

2001

ILLINOIS

REGISTER

RULES OF GOVERNMENTAL AGENCIES

APR 11 2001

Volume 25, Issue 13

March 30, 2001

Pages 4,316 – 4,741



Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>



Printed on recycled paper

TABLE OF CONTENTS
March 30, 2001 Volume 25, Issue 13

PROPOSED RULES

| | |
|--|---|
| CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF | |
| Pay Plan | 80 Ill. Adm. Code 3104316 |
| COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF | |
| Illinois Promotion Act Programs | 14 Ill. Adm. Code 510, Repeal4326 |
| Illinois Promotion Act Programs | 14 Ill. Adm. Code 5104359 |
| HUMAN SERVICES, DEPARTMENT OF | |
| Temporary Assistance For Needy Families | 89 Ill. Adm. Code 1124380 |
| PUBLIC HEALTH, DEPARTMENT OF | |
| Emergency Medical Services And Trauma Center Code | 77 Ill. Adm. Code 5154394 |
| Skilled Nursing And Intermediate Care Facilities Code | 77 Ill. Adm. Code 3004480 |
| TRANSPORTATION, DEPARTMENT OF | |
| Relocation Assistance Services And Payments Program For Airport Projects | 92 Ill. Adm. Code 124545 |

ADOPTED RULES

| | |
|--|---------------------------------|
| CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF | |
| Pay Plan | 80 Ill. Adm. Code 3104552 |
| HUMAN SERVICES, DEPARTMENT OF | |
| Crisis Assistance | 89 Ill. Adm. Code 1164562 |
| Services | 89 Ill. Adm. Code 5904568 |
| INSURANCE, DEPARTMENT OF | |
| Derivative Instruments | 50 Ill. Adm. Code 8064578 |

POLLUTION CONTROL BOARD

| | |
|------------------------------------|---------------------------------|
| Definitions And General Provisions | 35 Ill. Adm. Code 2114582 |
| Nitrogen Oxides Emissions | 35 Ill. Adm. Code 2174597 |

| | |
|--|----------------------------------|
| PROFESSIONAL REGULATION, DEPARTMENT OF | |
| Nursing And Advanced Practice Nursing Act - Advance Practice Nurse | 68 Ill. Adm. Code 13054609 |

| | |
|---------------------------|---------------------------------|
| REVENUE, DEPARTMENT OF | |
| Income Tax | 86 Ill. Adm. Code 1004640 |
| Retailers' Occupation Tax | 86 Ill. Adm. Code 1304674 |

NOTICE OF MODIFICATION TO MEET OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

| | |
|---|----------------------------------|
| PROFESSIONAL REGULATION, DEPARTMENT OF | |
| Nursing And Advanced Practice Nursing Act - Advanced Practice Nurse | 68 Ill. Adm. Code 13054697 |

JOINT COMMITTEE ON ADMINISTRATIVE RULES

| | |
|-------------------------|-----------|
| Second Notices Received |4700 |
|-------------------------|-----------|

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

| | |
|---|-----------|
| 01-033 Asian American Coalition of Chicago Day |4701 |
| 01-034 Ted Arthur Beattie Day |4701 |
| 01-035 James B. Park Day |4702 |
| 01-036 Northwestern University Week |4702 |
| 01-037 Ogona Nnamani Day |4703 |
| 01-038 Ambucs Visibility Month (Decatur) |4704 |
| 01-039 Ambucs Visibility Month (Lincolndland) |4704 |
| 01-040 Ambucs Visibility Month (Prairieband) |4704 |
| 01-041 Lake Villa Centennial Celebration Day |4705 |
| 01-042 Thomas L. Arnstead Day (Revised) |4705 |
| 01-043 American Heartseaver Month |4706 |
| 01-044 Certified Nurse Assistant Week |4707 |
| College Year |4707 |
| 01-045 Nursing Home Week |4708 |
| 01-046 Jenn Jam Blues Fest and Big River's Championship Barbecue Contest Days |4709 |
| 01-047 Jobs for Illinois Graduates Day |4709 |
| 01-048 Liberal Arts for Leadership Week |4709 |

| | | |
|--------|---|------|
| 01-097 | Rhea Jeannette Baker's Day | 4731 |
| 01-098 | School Social Work Week | 4732 |
| 01-099 | Youth Odyssey Leadership Conference Days | 4732 |
| 01-100 | Absolutely Incredible Kid Day | 4733 |
| 01-101 | Art's Education Week | 4733 |
| 01-102 | Best Buddies International Day | 4734 |
| 01-103 | The Charter for Illinois Children Day | 4734 |
| 01-104 | East Central Community Action Agency Day | 4735 |
| 01-098 | School Social Work Week (Revised) | 4735 |
| 01-105 | Northwestern University Dance Marathon Days | 4736 |
| 01-106 | Amusement Ride Safety Awareness Month | 4736 |
| 01-107 | Certified Athletic Trainers Week | 4737 |
| 01-108 | Days of Remembrance of Victims of the Holocaust | 4737 |
| 01-109 | Dorothy M. Gunn Day | 4737 |
| 01-110 | Federal Employee of the Year Awards Day | 4738 |
| 01-111 | Music Education Day | 4739 |
| 01-112 | Ned Grabavoy Day | 4739 |
| 01-113 | Public Health Week | 4740 |
| 01-114 | Purchasing Month | 4740 |
| 01-115 | Sportsmanship Day | 4740 |
| 01-116 | Steve Alsberg Day | 4741 |

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April 14, 2000: Data Through March 31, 2000
Issue 29-July 14, 2000: Data Through June 30, 2000
Issue 42-October 13, 2000: Data Through September 30, 2000
Issue 3-January 19, 2001: Data Through December 31, 2000 (Annual)

| | | |
|--------|--|------|
| 01-049 | Long-Term Care Administrators Week | 4710 |
| 01-050 | Long-Term Care Nurses Week | 4710 |
| 01-051 | Playground Safety Week | 4710 |
| 01-052 | School Psychologists Month | 4711 |
| 01-053 | Medical Assistant-Professional Pride Days | 4711 |
| 01-054 | TV-Turnoff Week | 4712 |
| 01-055 | Volunteer Week | 4712 |
| 01-056 | Belarusian Independence Day | 4713 |
| 01-057 | Casimir Pulaski Day | 4713 |
| 01-058 | Greek Independence Day | 4713 |
| 01-059 | Irish American Heritage Month and St. Patrick's Day | 4714 |
| 01-060 | Lithuanian Independence Day | 4714 |
| 01-061 | Rose Garlano Day | 4715 |
| 01-062 | Bobby Short Day | 4715 |
| 01-063 | Children's Dental Health Month | 4716 |
| 01-064 | Estonian Independence Day | 4716 |
| 01-065 | Iranian Heritage Day | 4716 |
| 01-066 | Jared/Goldie Ort Technical Institute Month | 4717 |
| 01-067 | International Week | 4718 |
| 01-068 | Museum Day | 4718 |
| 01-069 | Poland's Independence Day | 4718 |
| 01-070 | Janice Corley and the Children's Miracle Network Day | 4719 |
| 01-071 | Ronald Reagan Day | 4719 |
| 01-072 | Converting Machinery and Materials Days | 4720 |
| 01-073 | Affordable Housing Week | 4720 |
| 01-074 | Building Safety Week | 4721 |
| 01-075 | Community Banking Week | 4721 |
| 01-076 | Electric and Telephone Cooperatives Youth Day | 4722 |
| 01-077 | USO of Illinois Month | 4722 |
| 01-078 | Nutrition Month | 4723 |
| 01-079 | Desert Storm Remembrance Day | 4723 |
| 01-080 | Franklin McMahon Day | 4723 |
| 01-081 | Herman Spertus Day | 4724 |
| 01-082 | Licensed Practical Nurse Week | 4724 |
| 01-083 | Ralph and Eva Reader Day | 4725 |
| 01-084 | St. David's Day | 4725 |
| 01-085 | Arts in Education Spring Celebration Months | 4726 |
| 01-086 | Exceptional Children's Week | 4726 |
| 01-087 | Order Sons of Italy and Alzheimer's Association "Partners in Progress" Day | 4726 |
| 01-088 | Save a Life Week | 4727 |
| 01-089 | Tai Chi and Qigong Day | 4727 |
| 01-090 | Dr. Lynne M. Waldeland Day | 4728 |
| 01-091 | EFA Week | 4728 |
| 01-092 | American Red Cross Month | 4728 |
| 01-093 | Bill Nolan Day | 4729 |
| 01-094 | Highlands Presbyterian Church 50th Anniversary and Robert A. Rounce Day | 4730 |
| 01-095 | Michael Christ Day | 4730 |
| 01-096 | Peace Corps Day | 4731 |

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2001

| Issue # | Copy Due by 4:30 p.m. | Publication Date | Issue # | Copy Due by 4:30 p.m. | Publication Date |
|----------|-----------------------|------------------|----------|-------------------------|------------------|
| Issue 1 | December 26, 2000 | January 5, 2001 | Issue 28 | July 2 | July 13 |
| Issue 2 | January 2, 2001* | January 12 | Issue 29 | July 9 | July 20 |
| Issue 3 | January 8 | January 19 | Issue 30 | July 16 | July 27 |
| Issue 4 | January 16* | January 26 | Issue 31 | July 23 | August 3 |
| Issue 5 | January 22 | February 2 | Issue 32 | July 30 | August 10 |
| Issue 6 | January 29 | February 9 | Issue 33 | August 6 | August 17 |
| Issue 7 | February 5 | February 16 | Issue 34 | August 13 | August 24 |
| Issue 8 | February 13* | February 23 | Issue 35 | August 20 | August 31 |
| Issue 9 | February 20* | March 2 | Issue 36 | August 27 | September 7 |
| Issue 10 | February 26 | March 9 | Issue 37 | September 4* | September 14 |
| Issue 11 | March 5 | March 16 | Issue 38 | September 10 | September 21 |
| Issue 12 | March 12 | March 23 | Issue 39 | September 17 | September 28 |
| Issue 13 | March 19 | March 30 | Issue 40 | September 24 | October 5 |
| Issue 14 | March 26 | April 6 | Issue 41 | October 1 | October 12 |
| Issue 15 | April 2 | April 13 | Issue 42 | October 9* | October 19 |
| Issue 16 | April 9 | April 20 | Issue 43 | October 15 | October 26 |
| Issue 17 | April 16 | April 27 | Issue 44 | October 22 | November 2 |
| Issue 18 | April 23 | May 4 | Issue 45 | October 29 | November 9 |
| Issue 19 | April 30 | May 11 | Issue 46 | November 5 | November 16 |
| Issue 20 | May 7 | May 18 | Issue 47 | November 13* | November 26** |
| Issue 21 | May 14 | May 25 | Issue 48 | November 19 | November 30 |
| Issue 22 | May 21 | June 1 | Issue 49 | November 26 | December 7 |
| Issue 23 | May 29* | June 8 | Issue 50 | December 3 | December 14 |
| Issue 24 | June 4 | June 15 | Issue 51 | December 10 | December 21 |
| Issue 25 | June 11 | June 22 | Issue 52 | December 17 | December 28 |
| Issue 26 | June 18 | June 29 | Issue 1 | December 26 (Wed. Noon) | January 4, 2002 |
| Issue 27 | June 25 | July 6 | | | |

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Proposed Action:
310.280 Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, and the Economic Development Representative II (12932-42-35-110-10-02) and Private Secretary II (34202-42-00-000-01-02) are being deleted from this Section at the request of the Department of Commerce and Community Affairs since these two positions are vacated and no longer require this designation.

Also, the annual salary for a Public Service Administrator position (37015-42-35-110-10-03) is being increased from \$75,588 to \$78,612 at the request of the Department of Commerce and Community Affairs.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

| Section Numbers | Proposed Action | Ill. Reg. Citation |
|----------------------|-----------------|--------------------|
| 310.280 | Amend | 24 Ill. Reg. 15486 |
| APPENDIX A, TABLE AB | Amend | 24 Ill. Reg. 16151 |
| 310.290 | Amend | 24 Ill. Reg. 17384 |
| 310.280 | Amend | 25 Ill. Reg. 811 |
| 310.280 | Amend | 25 Ill. Reg. 1037 |
| 310.270 | Amend | 25 Ill. Reg. 1889 |

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-3601

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance : None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
PART 310
PAY PLAN
SUBPART A: NARRATIVE

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 2001
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective
July 1, 1984 (Repealed)

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 2001
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective
July 1, 1984 (Repealed)

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 2001
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective
July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay
TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA NR-916 (Department of Natural Resources, Teamsters)
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #230)
TABLE F RC-019 (Teamsters Local #351)
TABLE G RC-045 (Automotive Mechanics, IPFE)
TABLE H RC-006 (Corrections Employees, AFSCME)
TABLE I RC-009 (Institutional Employees, AFSCME)
TABLE J RC-014 (Clerical Employees, AFSCME)
TABLE K RC-023 (Registered Nurses, INA)
TABLE L RC-008 (Boilermakers)
TABLE M RC-110 (Conservation Police Lodge)
TABLE N RC-010 (Professional Legal Unit, AFSCME)
TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)
TABLE Q RC-033 (Meat Inspectors, IPFE)
TABLE R RC-002 (Residual Maintenance Workers, AFSCME)
TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T HR-010 (Teachers of Deaf, IPFE)
TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V CU-500 (Corrections, Meet and Confer Employees)
TABLE W RC-062 (Technical Employees, AFSCME)

SUBPART B: SCHEDULE OF RATES
Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant
Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)
310.330

SUBPART C: MERIT COMPENSATION SYSTEM
Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant
Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)
310.330

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TABLE X RC-063 (Professional Employees, AFSCME)
 TABLE Y RC-063 (Educators, AFSCME)
 TABLE Z RC-063 (Physicians, AFSCME)
 Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2001
 APPENDIX B Medical Administrator Rates for Fiscal Year 2001
 APPENDIX C Merit Compensation System Salary Schedule for Fiscal Year 2001
 APPENDIX D Teaching Salary Schedule (Repealed)
 APPENDIX E Physician and Physician Specialist Salary Schedule (Repealed)
 APPENDIX F Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001
 APPENDIX G

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3346, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 9298, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15367, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3911, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 30, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7036, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21053, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19188, effective December 15, 1993; for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9975, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; peremptory amendment at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15469, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19343, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12493, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7936, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 11384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. _____, effective March 14, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative-III
(Pos. No. 12932-42-35-116-10-02) Annual Salary 54,948

Private Secretary-III
(Pos. No. 34292-42-00-000-01-02) Annual Salary 48,492

Public Information Officer IV
(Pos. No. 37004-42-00-005-10-01) Annual Salary 64,932

Public Service Administrator
(Pos. No. 37015-42-35-110-10-03) Annual Salary 75,588
78,612

Public Service Administrator
(Pos. No. 37015-42-35-140-20-01) Annual Salary 82,116

Department of Human Services

Medical Administrator I, Option D
(Pos. No. 26401-10-79-006-00-21) Annual Salary 142,368

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Public Service Administrator
(Pos. No. 37015-10-23-100-30-01) Annual Salary 73,632

Senior Public Service Administrator
(Pos. No. 40070-10-65-000-00-01) Annual Salary 105,475

Senior Public Service Administrator
(Pos. No. 40070-10-61-920-00-21) Annual Salary 105,480

Illinois State and Local Labor Relations Board

Private Secretary II
(Pos. No. 34202-50-19-000-00-01) Annual Salary 51,900

Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01) Annual Salary 50,520

Department of State Police

Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01) Annual Salary 109,358

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Illinois Promotion Act Programs

- 2) Code Citation: 14 Ill. Adm. Code 510

- 3) Section Numbers: Proposed Action:

510-10 Repeal
 510-20 Repeal
 510-30 Repeal
 510-40 Repeal
 510-50 Repeal
 510-60 Repeal
 510-70 Repeal
 510-80 Repeal
 510-85 Repeal
 510-90 Repeal
 510-90 Repeal
 510-100 Repeal
 510-105 Repeal
 510-110 Repeal
 510-120 Repeal
 510-130 Repeal
 510-140 Repeal
 510-150 Repeal
 510-160 Repeal
 510-170 Repeal
 510-175 Repeal
 510-180 Repeal
 510-185 Repeal
 510-190 Repeal
 510-195 Repeal
 510-200 Repeal
 510-205 Repeal
 510-207 Repeal
 510-210 Repeal
 510-220 Repeal
 510-230 Repeal
 510-240 Repeal
 510-250 Repeal
 510-260 Repeal
 510-270 Repeal
 510-275 Repeal
 510-280 Repeal
 510-285 Repeal
 510-290 Repeal
 510-290 Repeal
 510-300 Repeal

- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 5) Complete Description of the Subjects and Issues Involved: The Illinois Promotion Act Programs rules that govern the Tourism Marketing Partnership Program, the Tourism Attraction Development Loan and Grant Program, and the Tourism Private Sector Grant Program are being repealed in order to replace them with new rules that are more consistent and streamlined, and that include recommended improvements and enhancements resulting from a comprehensive study of the tourism grant programs conducted for DCCA's Bureau of Tourism. The 1999 grant program study included a best practices study of other states' tourism grant programs, a customer satisfaction survey of past and present grant program applicants and recipients, a review of internal program administration procedures, and regional public input sessions. This study was successful in identifying important ways the programs could be improved and enhanced in order to bring them up to date and more current with national and international tourism trends, and to make them more accessible and able to meet the changing needs of the State's local tourism industry in attracting visitors. Because the current rules have become too lengthy, cumbersome and inconsistent, as well as confusing for potential applicants to understand and follow, it has become apparent that the best way to make the needed improvements and enhancements recommended from the study would be to repeal these rules and submit new replacement rules for the three grant programs under the Illinois Promotion Act. The new replacement rules will be much more streamlined and consistent, easier for potential applicants to understand and access funding, and should help to reduce some of the unnecessary procedures and paperwork for the applicants, grantees and the program managers that administer the programs.
- 6) Will these repealers replace emergency repealers currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed repealer contain incorporations by reference? No
- 9) Are there any amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Raya Bogard
 Administrative Code Rules Manager
 Illinois Department of Commerce and Community Affairs

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

100 West Randolph, Suite 3-400
Chicago, IL 60601
(312) 814-9593

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois counties, municipalities, not-for-profit organizations, local promotion groups, and for-profit businesses that apply for matching grants to fund eligible tourism projects. This repealer and subsequent approval of the new replacement rules will positively affect these entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Grantees would already possess the minimum bookkeeping and reporting requirements needed for compliance.
- C) Types of professional skills necessary for compliance: Grantees would already possess the necessary professional skills for compliance.

13) Regulatory Agenda on which this repealer was summarized: January 2001

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS (REPEALED)

SUBPART A: TOURISM MARKETING PARTNERSHIP PROGRAM

| Section | |
|---------|--|
| 510.10 | Authority |
| 510.20 | Definitions |
| 510.30 | Computation of Time |
| 510.40 | Allocation of Appropriations to Applicants |
| 510.50 | Form of Application |
| 510.60 | Application Procedures |
| 510.70 | Department Review Procedures |
| 510.80 | Agreement |
| 510.85 | Administrative Requirements |
| 510.90 | Provision for Amendment to This Part |
| 510.100 | Severability |

SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

| Section | |
|---------|--|
| 510.110 | Purpose |
| 510.120 | Definitions |
| 510.130 | Eligible Uses of Loan and Grant Funds |
| 510.140 | Eligible Applicants |
| 510.150 | Funding Limitation |
| 510.160 | Application Cycle |
| 510.170 | Application Documentation |
| 510.175 | Evaluation Process |
| 510.180 | Selection for Funding |
| 510.185 | Leverage |
| 510.190 | Allocation of Appropriations |
| 510.195 | Administrative Requirements for Loans |
| 510.200 | Administrative Requirements for Grants |
| 510.205 | Administrative Requirements for Loans and Grants |

SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

| Section | |
|---------|------------------------------|
| 510.210 | Purpose |
| 510.220 | Definitions |
| 510.230 | Eligible Uses of Grant Funds |
| 510.240 | Eligible Applicants |
| 510.250 | Funding Limitation |

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

510.260 Application Cycle
 510.270 Application Documentation
 510.275 Evaluation Process
 510.280 Selection for Funding
 510.285 Matching Funds
 510.290 Administrative Requirements for Grants

AUTHORITY: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 9848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective June 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days; emergency expired September 13, 2000; amended at 24 Ill. Reg. 15044, effective September 27, 2000; emergency amendment at 24 Ill. Reg. 18834, effective December 8, 2000, for a maximum of 150 days; repealed at 25 Ill. Reg. _____, effective _____.

SUBPART A: TOURISM MARKETING PARTNERSHIP PROGRAM

Section 510.10 Authority

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665].

Section 510.20 Definitions

"Act": means the Illinois Promotion Act.

"Agreement": means a signed and written document defining the rights and obligations of the Applicant and the Department in respect to the Project and the Grant Amount.

"Applicant": means a County, Municipality or Local Promotion Group which is located within the State of Illinois.

"Application": means that written document submitted by the Applicant on the approved form of the Department. The dated application shall include the following information:

Name of applicant organization.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Name, title, address, and telephone number of authorized official.
 County and legislative district where attraction/event will take place.

Federal Employment Identification Number (F.E.I.N.) or social security number of authorized official.

Project title.

Anticipated initiation and completion date (project may not be initiated prior to approval by the Bureau of Tourism to remain eligible for matching grant funding).

Estimated total cost of project (based on bids and itemized budget).

Percentage and amount of tourism matching grant request.

A description of the project (A detailed description of the work to be performed and the need for the project. Information should include a description of the event, attraction or area being promoted, and quantity of project (e.g., number of brochures to be printed)).

A description of how and where printed material will be distributed or the geographic location of the audience for projects containing advertising (e.g., radio, television, newspaper).

A description of the economic impact expected as a result of this project and how the program will aid in the promotion of tourism in Illinois.

A description of anticipated project results and a description of the evaluation methods to be used in determining the results. Emphasis should be placed on quantifiable measures as the applicant may be asked to verify results.

A list of the source(s) and amount of funding for the applicant's project.

An itemized budget for each cost which identifies the vendor and provides a brief description of the services being provided.

"Application Documentation": includes

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

samples of the proposed Project which shall include, but are not limited to, mock-up and copy or duplicates of mock-up with color indicated;

copies of a minimum of two competitive bids, using identical specifications, for all total costs by any vendor that exceeds \$500 and identification of the low bid listed on the itemized budget;

an agreement by the Applicant to comply with Section 10.1 of the Illinois Purchasing Act (30 ILCS 505/10.1);

a certification by the Applicant that it has not been barred from bidding on or receiving State contracts as a result of illegal bid rigging as defined in Section 33E-3 of the Criminal Code of 1961 (720 ILCS 5/33E-3); and

a current copy of the applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing.

"Bureau of Tourism": is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Eligible Promotional Projects": include but are not limited to:

Brochures - Brochures must be devoted to the promotion of tourism attractions and/or events. Brochures to be utilized by tourists must be printed in quantities of at least 20,000, printed in a minimum of two-color, printed on a minimum of 60# bond paper stock, and cannot exceed a finished size of 8 1/2 inches x 11 inches. All brochure final copy must be reviewed and approved by the Program Manager prior to being printed. Final proofs must be submitted to the Department at least five working days prior to printing to allow for changes, if necessary. Applicants bear sole responsibility for accuracy of information printed. The date and quantity printed must appear on the printed material. A 5% penalty will be assessed. All printed projects that are funded under the program must be available on a gratis basis free of charge to the public and shall not be sold.

Advertising - Advertising must be directed toward areas other than the immediate location of the attraction, event, or area being promoted. Matching grant funds cannot be used to pay for advertising placed within a 100 mile radius of the attraction,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

event, or area being promoted. Advertising will be considered eligible if placed with media outside the 100 mile radius, even if a portion of the advertising falls inside the radius. Advertising placed in a major market (e.g., Chicago, St. Louis) will also be considered for funding if it is placed inside the 100 mile radius, the media source's Sunday edition run of press zones outside a 35 mile radius are purchased and the placement does not exceed 50% of the grant advertising budget. A typed manuscript or one audio/video cassette tape copy of each advertisement must be submitted with the application. The ad must be persuasive with general information and should include an address or phone number to contact for lodging and other tourism information.

Billboards - Rental of billboard space, as well as the artwork, design, and production of billboard advertising, is an eligible expenditure. Billboards must promote attractions, events, availability of lodging, camping or other travel related services. Billboard advertising cannot mention specific privately owned businesses or attractions. The 100 mile radius guideline governing other advertising does not apply to billboard location but placement for promotion of events must be a minimum of 30 miles from the location of the event, placement for promoting attractions must be a minimum of 15 miles from the area being promoted and traffic count and visibility will also be a major consideration.

Other Types of Promotional Projects - Website development (development only, no maintenance fees), marketing research, travel/trade show booth space rental and expenses (i.e., electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for both domestic and international marketing.

Promotional Participants - Applicants that charge "for profit" participants for inclusion in promotional projects must also include the promotion of a minimum of 3 non-profit attractions/events. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

"Grant Amount": means an amount, which shall not exceed 60% (sixty percent) of the Total Project Cost, that the Department shall pay to an Applicant after:

review of the Application;

the Department has determined that the Project and proposed

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

expenditures of the Applicant appear to be in accord with the purpose of the Act and comply with this Part; and

the Department has received sufficient evidence of Project completion.

"Ineligible Promotional Projects": In general, a project is considered ineligible if it does not contribute to the overall intent of bringing additional tourists into the State and generate increased lodging revenue. Examples of projects ineligible for funding include, but are not limited to:

Association or organizational dues.

Bumper stickers, placemats, or any type of specialty items.

Any type of quick-print materials.

Any administrative expenses (e.g., stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment).

Purchase or rental of projectors, television sets, or video recorders.

Projects solely promoting for-profit entities.

Postage, purchase or use of mailing lists, distribution and shipping costs.

Street banners.

Event production expenses (e.g., audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.).

Travel expenses (transportation, lodging, per diem).

Promotion of county fairs.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or region of Illinois (Section 3(b) of the Act).

"Local Share": means that portion of Total Project cost which:

In no case shall be less than 40% of the Total Project Cost;

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

is provided by the Applicant and is not State funds; and

is irrevocably obligated to the Project.

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Project": means the program of Promotional Activities which is described by the Applicant in the Application and is approved by the Department. Acceptable components of a Project may include, but are not limited to, the examples of valid projects contained on the Application form.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project, but does not include administrative costs incurred by the Applicant, examples of which are stationery, postage, telephone, office equipment and services of professional fund raisers. The total project cost must equal or exceed \$3,000 to be considered for a grant award. Projects are reviewed, evaluated, and funded according to the percentages of total project cost based on the quality of the project and its duration. Up to 40% of the total project cost may be funded for approved festival events (festival events have a duration of 1-29 days). Up to 45% of the total project cost may be funded for approved seasonal events (seasonal events have a duration of 1-6 months). Up to 60% of the total project cost may be funded for approved year-round promotions (year-round promotions have a duration of 7-12 months).

Section 510.30 Computation of Time

Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating such period of time occurs, and shall run until the end of the last day or the next following business day if the last day is a Saturday, Sunday, legal holiday or State holiday. Where the period of time is five (5) days or less, Saturday, Sunday, legal holidays and State holidays shall be excluded in the computation of time. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

Section 510.40 Allocation of Appropriations to Applicants

Annual appropriations made by the General Assembly to the Department for the purpose of making grants under the Act are allocated by the Department pursuant to statutory language found in Section 8 of the Act, which allocation is made as follows:

a) 62.5% to local promotion groups, municipalities, and counties not

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- wholly or partially within any county of more than 1 million population; and
- b) 37.5% to local promotion groups, municipalities, and counties wholly or partially within any county of more than 1 million population; however,
 - c) if sufficient local funds cannot be raised to match the allocation made under either subsection (a) or (b) of this Section, such appropriations may be reallocated, in whole or in part, to any applicant or applicants able to qualify for a grant or may be used by the Department to promote the tourist attractions of the State of Illinois as a whole.

Section 510.50 Form of Application

- a) All communications relating to Application procedures herein defined shall be sent to the Program Manager of the Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois 62701.
- b) Only one application per applicant can be submitted for each award period for each category of funding (i.e., festival event, seasonal event, year-round promotion). Multiple projects can be combined into one request.
- c) An Application shall be in writing and on the current approved form provided by the Department which form shall be sent to an interested party upon request.
- d) An Application shall be submitted as one original and two copies.
- e) Each Application including supporting documents and attachments shall be contained under a single cover.

Section 510.60 Application Procedures

- a) An Application must be received by the Department during the period of time between September 1 through May 1 of each State fiscal year. Grant awards will be made three times annually. Applications shall be received a minimum of 60 days prior to award dates of July 1, November 1, and April 1. Any application received after an application deadline which is for marketing opportunities supported or promoted by the Department that have a deadline prior to the next scheduled award date will be processed upon receipt.
- b) Except as provided in subsection (a) above, an Application will be considered received when delivered to the Bureau of Tourism.
- c) The Program Manager of the Bureau of Tourism shall issue a receipt to the Applicant acknowledging delivery of the Application including date the Application was received.
- d) Review of Applications
 - 1) Within 14 days after receipt of the Application, the Program Manager of the Bureau of Tourism shall notify the Applicant that after an initial review, the Application and attached exhibits

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- are complete on their face. This notice is not in any way an acknowledgment by the Program Manager as to the adequacy of the substance of the Application.
- 2) In the event the Program Manager of the Bureau of Tourism determines that the Application and its attached exhibits are not complete on their face, the Applicant shall be notified of such fact along with a list of such deficiencies within 14 days after the receipt of the Application.
 - 3) Should the Program Manager of the Bureau of Tourism send a notice of deficiency as required in subsection (d)(2) above, the Applicant shall have 14 days from the date of such notice to cure such deficiency. If
 - A) the Applicant fails to supply additional material to cure the deficiency; or
 - B) submits additional material which in the opinion of the Program Manager does not cure the deficiency, the Application shall be considered null and void and returned to the Applicant.
 - e) Within 60 days from the date of notification issued pursuant to subsection (d)(1) or (d)(2), the Director of the Department shall either:
 - 1) notify the Applicant that its Application has been approved; or
 - 2) notify the Applicant that its Application has been rejected, stating the reason(s) for this rejection.

Section 510.70 Department Review Procedures

- a) The Application shall be reviewed by the Bureau of Tourism staff and the Department's Director for approval or rejection.
- b) The following evaluation criteria shall be considered by the Department in its determination whether to accept or reject an Application:
 - 1) Is the Project part of a comprehensive marketing plan based upon research to increase tourism to the area?
 - 2) Does the Project include overnight lodging packages in order to increase overnight stays?
 - 3) Will the Project attract tourists from a distance of at least 100 miles from other states and/or other areas of the State?
 - 4) Does the Project include financial participation from private partnerships?
 - 5) Are there measurable ways to evaluate the Project's effectiveness and return on investment?
 - 6) Has Applicant complied with all Program Guidelines and Close-Out Procedures on past grant awards?
 - 7) Does the Project duplicate anything already available in the target market area?

Section 510.80 Agreement

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- a) When the Department sends notice to the Applicant that the Project has been approved for funding, an Agreement shall be executed by the Director of the Department or the Director's designee on behalf of the Department. The project must not be initiated prior to approval by the Department to remain eligible for funding.
- b) The Agreement shall contain substantive provisions including but not limited to the following:
- 1) a recitation of legal authority pursuant to which the Agreement is made;
 - 2) an identification of the Project scope, schedule, and the work or services to be performed or conducted by the Applicant;
 - 3) an identification of the Grant Amount;
 - 4) the conditions and manner by which the Department shall pay the Grant Amount subject at all times to annual appropriation by the General Assembly;
 - 5) the irrevocable promise of the Applicant to pay the Local Share of the total Project cost;
 - 6) the promise of the Applicant to display the current Illinois Tourism Identification on all Projects funded through the grant program. Failure to include the current Matching Grant logo in its entirety will result in a 10% penalty, which will be deducted from the grant award. Failure to include any identification will result in a total cost disallowance for that portion of the grant project;
 - 7) the promise of the Applicant to furnish the Department a minimum of 10%, up to 20% if requested, of the total promotional material printed. The entire quantity of requested brochures must be received in the Tourist Information Centers listed on the brochure distribution form prior to reimbursement of the grant award. Brochures promoting special events must be received in the Tourist Information Centers a minimum of 60 days prior to the event;
 - 8) a promise by the Applicant not to assign or transfer any of the rights, duties or obligations of the Applicant without the express written consent of the Department;
 - 9) a promise by the Applicant not to amend the Agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The project must be completed by the completion date on the Notice of Grant Award unless a written request for an extension is submitted five working days prior to the award completion date;
 - 10) a covenant of the Applicant to apply the Grant Amount only for the purposes of the Project as stated in the Application; and
 - 11) a covenant of the Applicant to refrain from entering into any written or oral agreement or understanding with any party which might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 510.85 Administrative Requirements

- a) Reporting
- 1) Grantees shall maintain appropriate records of actual costs incurred and shall submit to the Department detailed itemization supported by copies of vendor invoices. Cancelled checks (both front and back) shall be submitted by the grantee for project expenditure documentation within 45 days after payment of the grant as proof of payment for all applicable cost of the program.
 - 2) A program status report must be submitted to the Department by May 15 for all projects which have not been completed. Failure to report the withdrawal of approved grant funds by May 15, if funds will not be utilized, may affect the grantee's application for grant funds in a future year. Billing for the total costs of projects must be submitted to the Department within 45 days after project completion and no later than August 7 to facilitate payment.
 - 3) Upon request, grantees must submit financial reports on the progress of the project.
- b) Accountability
- 1) The grantee is accountable for all funds received under this grant and shall maintain complete records of expenditures made on the grant project. The grantee will, as often as deemed necessary, allow the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three years from the date of submission of the final expenditure report.
 - 2) If any services specified in the approved marketing plan are subcontracted, the grantee shall include in all its subcontracts under a program grant a provision that the Department, and the Auditor General of the State of Illinois, or any of their authorized representatives, will have full access to and the right to examine any pertinent books, documents, papers and records of any such contractor involving transactions related to the contract for three years from the final payment under the contract.
- c) Contracting - The following contracting requirements shall be observed by the grantee:
- 1) For local government grantees, no officer or employee of the grantee and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall participate in any decision relating to any contract negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, such contract or in the work to be performed under such contract.

- 2) For non-governmental grantees, such a financial interest is permissible provided full disclosure of said interest is made to the Department in advance of any decisions relative to the award of a contract giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove him or herself from the room during any discussion, deliberation and voting in connection with the awarding of such a contract.
- d) Nondiscrimination - The grantee shall comply with all applicable State and Federal employment laws, rules and regulations, and shall comply with all laws and regulations prohibiting discrimination on the basis of race, sex, religion, national origin, age, or handicap.
- e) Suspension or Cancellation of Grant - The Department shall suspend or cancel a grant if the grantee fails to comply with the terms and conditions of the grant. The Department will give ten days' notice to the grantee of any contemplated suspension or termination of a grant.
- f) Complaint Process - In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

Section 510.90 Provision for Amendment to This Part

Any interested person or party may petition the Department requesting the promulgation, amendment or repeal of this Part. The petitioner shall specify those portions of this Part affected by the proposed change, and each proposal shall include a statement of the reasons supporting the proposal, including a short and plain statement of the facts known to the proponents which support the proposal, and a short and plain statement of the purpose and effect of the proposal. Where the proposal covers more than one substantive point, the supporting statement shall include statements in support of each point. The petitioner shall submit an original and ten (10) copies of each such proposal to the Department; and, if, within thirty (30) days after submission of a petition, the Department has not initiated rulemaking proceedings in accordance with this Section, the petition shall be deemed to have been denied.

Section 510.100 Severability

If any Section, subsection, subdivision, paragraph, sentence, clause or phrase in this Part or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any forum of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Part or any part thereof.

SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 510.110 Purpose

Section 8a of the Illinois Promotion Act (Act) [20 ILCS 665] authorizes the Department of Commerce and Community Affairs to make grants and loans to counties, municipalities, local promotion groups or for-profit businesses for the development or improvement of tourism attractions in Illinois.

Section 510.120 Definitions

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Local Promotion Group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois (Section 3(b) of the Act).

"Municipality" means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Program" means the Tourism Attraction Development Loan and Grant Program.

"Project" means an activity or activities funded by the Tourism Attraction Development Loan and Grant Program encouraging the initiation and implementation of new tourism attractions, and the enhancement of existing attractions having the capacity to generate sustainable economic growth through increased travel activity.

"Recipient" means an Illinois Local Promotion Group, county, municipality or for-profit business that has been awarded a grant or loan under this Program.

"Tourism attraction" means fishing and hunting areas, historical/cultural sites, vacation regions, areas of historic or scenic interest, museums, recreation areas, interpretive programs, and other facilities or businesses which attract or serve travelers.

Section 510.130 Eligible Uses of Loan and Grant Funds

- a) Eligible Projects and Activities - The Program shall provide financial assistance to counties, municipalities, local not-for-profit organizations, local promotion groups and for-profit businesses for such activities as:
 - 1) Capital Projects - land acquisition, construction, renovation or

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

acquisition of buildings;

- 2) Equipment - purchase and installation of machinery and equipment;
 - 3) Training - development and presentation of hospitality, quality service and/or other types of tourism training programs intended to provide a competitive workforce for the tourism industry of Illinois;
 - 4) Studies - feasibility, research, development, and marketing studies dedicated to developing new tourism specific attractions; and
 - 5) Interpretive Programs - creation, implementation and staffing of interpretive programs located within historic/cultural sites.
- b) Ineligible Projects and Activities - Activities ineligible for funding include, but are not limited to debt refinancing, contingency funding and normal operating expenses, routine staff, and operating and administrative expenses.

Section 510.140 Eligible Applicants

Counties, municipalities, local promotion groups and for-profit businesses as defined in Section 510.120 may apply for grants and loans.

Section 510.150 Funding Limitation

The Department shall provide no more than 50 percent of the entire amount of actual expenditures for a single project, not to exceed \$1,000,000.

Section 510.160 Application Cycle

- a) The Department shall supply interested entities with an application package upon request. Applications under this program must be received by August 1 for grant awards on October 1. Applications received after August 1, and prior to March 1, will be considered for the second award period on May 1, if funds are still available.
- b) Applications will be accepted at the following addresses:
 - 1) Bureau of Tourism, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701; or
 - 2) Bureau of Tourism, Department of Commerce and Community Affairs, James R. Thompson Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.
- c) Applications shall be in writing and on the current approved forms provided by the Department.
- d) An application shall be submitted as one original and four copies.

Section 510.170 Application Documentation

- a) All applicants shall include documentation of the following:
 - 1) Description of the Project - a summary description of the project.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 2) History - a brief history of the applicant, including its legal organization, i.e., articles of incorporation, if incorporated as a not-for-profit or for-profit entity or statutory authority as a governmental entity and approval of the project by the appropriate entity.
- 3) Use of funds - a detailed explanation of the use of the grant or loan funds.
- 4) Results - a statement of the expected outcome and benefits to the State as a result of this project in terms of development or improvement of tourism attractions. Preference will be given to projects which demonstrate the greatest potential for increasing hotel/motel occupancy and travel into and throughout the State of Illinois stimulating the economic growth of the tourism industry.
- 5) Project Implementation Schedule - a list of the timelines for major project milestones and/or activities including the start and end date of each activity.
- 6) Management - listing of those individuals that are responsible for the management of the tourist attraction, their positions and responsibilities, and resumes of key senior individuals at the site location.
- 7) Land and Building Information (if applicable) - for land and/or building acquisition, an WAI appraisal and a copy of the purchase option or agreement; for building construction or renovation, a contractor's or architect's cost estimates.
- 8) Description of Machinery and Equipment (if applicable) - identification of major equipment or classes of equipment to be acquired with the Department's program funds; for acquisition of new machinery and equipment, attachment of reliable vendor cost estimates; for moving and installation costs, attachment of written estimates; for used machinery and equipment acquisition, an appraisal demonstrating that the fair market value is consistent with the purchase price.
- 9) Description of working capital (if applicable) - a description of the type of working capital needs to be financed with the Department's program funds.
- 10) Letters of Commitment - documentation of all sources of leveraging; loan commitment from financial institutions shall have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond shall have an executed inducement resolution and the rates, terms, and conditions of approval by the buyers.
- 11) Site Map - an outline of the general location of the project on a site map, reflecting the location of any floodplain areas or wetlands.
- 12) Bids - a minimum of two competitive bids, using identical specifications, obtained through an open and competitive bidding process, for the purchase of goods exceeding \$5,000 and services

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- bids/cost estimates, which demonstrate cost of the project.
- 2) Project Impact - the applicant shall demonstrate the project will have a sustainable economic impact to the tourism industry and local community, county and State.
- 3) Economic Growth and Job Creation - the applicant/project shall demonstrate the potential for sustainable economic growth and job creation.
- 4) Eligible Match - the applicant/project shall demonstrate the ability to match proposed funding from other non-State sources.
- b) Financial Evaluation Component - the Department shall conduct a financial analysis of the loan application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss statements for the past three years, as well as the most recent ninety days, and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis which will determine the liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1988 (no later amendments or editions included) "RMA Annual Statement Studies", published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178, or a comparable source, if such industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

Section 510.180 Selection for Funding

Applicants which best meet the objectives of the program and demonstrate the greatest potential as a tourist attraction shall receive loan or grant funds until all available funds are expended.

Section 510.185 Leverage

The applicant shall leverage additional financial resources for the project over and above funding provided by the Department in an amount not less than 50% of the project's actual expenditures.

- a) Allowable leverage includes:
 - 1) Term loan proceeds, bond sale proceeds or other forms of financial institution participation;
 - 2) Other public grant or loan program funds;
 - 3) Use of retained earnings, proceeds of a public stock offering or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill; and
 - 4) Local hotel/motel tax, membership dues, or other cash

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- exceeding \$25,000 must be submitted and approved.
- b) In addition to the requirements of subsection (a), for-profit businesses shall include documentation of the following:
 - 1) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.
 - 2) Historical Financial Statement - historical financial statements for the past three years and interim statements dated no more than 90 days prior to application including:
 - A) Profit and Loss Statements;
 - B) Balance Sheets;
 - C) Cash Flow Statements; and
 - D) Disclosure of Contingent Liabilities.
 - 3) Projected Financial Statements - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.
 - 4) Ownership - the company will provide a detailed statement of ownership which shall include a percentage of ownership. Such statements shall clearly identify any ownership interest which amounts to 20% or more, any ownership interest which is considered to be controlling the business, and/or any interest which is guaranteeing any financial or contractual activities of the company. For all such entities which meet any of these conditions, a personal financial statement(s) shall be provided.
 - 5) The Department shall waive the requirements of subsections (b)(1) through (4) when:
 - A) The company has submitted a comprehensive business plan or company annual reports;
 - B) The company is publicly owned and traded; and
 - C) The company's historic financial condition is deemed excellent, meeting industry standards in accordance with Section 510.175(b).

Section 510.175 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. This review and evaluation process shall be completed within 60 days of the receipt of a complete application. Department staff shall conduct an evaluation of each application.

- a) Evaluation Criteria - the applications will be evaluated using the following criteria.
 - 1) Project Implementation Readiness - the applicant shall demonstrate that the project is ready for implementation by providing a time schedule for project initiation; and detailed

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- contributions.
- b) Unallowable leverage:
- 1) Costs incurred or funds expended prior to date of grant or loan award;
 - 2) Funds from other Department funded programs (although they may be used to further the project);
 - 3) Existing equipment, buildings, furnishings, or inventory, already owned;
 - 4) Lines of credit;
 - 5) Contracts for deed without a due and payable clause or which is an apparent substitution for simple rent;
 - 6) Post project costs such as normal operational expenses;
 - 7) Debt refinancing; and
 - 8) In-kind contributions.

Section 510.190 Allocation of Appropriations

- a) The allocation between counties shall be:

- 1) 67% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses not wholly or partially within any county of more than 1 million population.
 - 2) 33% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses wholly or partially within any county of more than 1 million population.
- b) The Department reserves the right to reallocate funds by category based on actual need demonstrated during the application cycle.

Section 510.195 Administrative Requirements For Loans

- a) Loan Terms - The Department shall negotiate the loan terms and amortization schedule. All payments shall be applied first to interest and then to principal.
- b) Events of Default - The entire principal of the loan, and the interest then accrued thereon, shall become due and immediately payable upon the written demand of the Department, without any other notice or demand of any kind or any presentation of protest, if any one of the following events (hereafter an "event of default") shall occur and be continuing at the time of such demand, whether voluntarily or involuntarily, or without limitation, occurring or brought about by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rules or regulations of any administrative or governmental body, provided, however that such sum shall not be then payable if Recipient's payments have been deferred. The Department shall make deferrals based upon case by case review of the Recipient's financial statement and projections to determine if the Recipient will be able to make payments at a future date.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 1) Non-Payment of Loan - If the Recipient shall fail to make payment when due of any installment of principal on the loan, or interest accrued thereon and if the failure to make payment shall remain unremedied for fifteen (15) days.
 - 2) Non-Payment of Other Indebtedness - If default shall be made in the payment when due of any installment of principal or of interest on any of the Recipient's other indebtedness (any creditor the Recipient owes) and if such default shall remain unremedied for (15) days.
 - 3) Incorrect Representation or Warranty - If any representation or warranty contained in, or made in connection with the execution and delivery of, the loan agreement, or in any certificate furnished pursuant hereto, shall prove to have been incorrect.
 - 4) Default in Covenants - If the Recipient shall default in the performance of any other term, covenant or agreement contained in the loan agreement, and such default shall continue unremedied for thirty (30) days after either:
 - A) it becomes known to an executive officer of the Recipient; or
 - B) written notice thereof shall have been given to the Recipient by the Department.
 - 5) Voluntary Insolvency - If the Recipient shall cease to pay its own debts as they mature or shall voluntarily file a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidation of its assets or to effect a repayment plan with creditors, or shall be adjudicated bankrupt, or shall make a voluntary assignment for the benefit of creditors.
 - 6) Involuntary Insolvency - If an involuntary petition shall be filed against the Recipient under any bankruptcy or insolvency law seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the Recipient, or the property of the Recipient, or a writ or warrant of attachment shall be issued against the property of the Recipient and such petition shall not be dismissed, or such writ or warrant of attachment shall not be released or bonded within thirty (30) days after filing or levy.
 - 7) Judgments - If any financial judgment for the payment of money that is not fully covered by liability insurance shall be rendered against the Recipient, and within thirty (30) days, shall not be discharged, or an appeal therefrom taken and execution thereon effectively stayed pending such appeal, and, if such judgment be affirmed on such appeal, the same shall not be discharged within thirty (30) days.
- c) Notice of Default - The Recipient agrees to give written notice to the Department of any event, within 15 days after the event, which constitutes an event of default as specified in subsection (b).
- d) Maintenance and Insurance of Property
- 1) The Recipient shall at all times maintain the property provided

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- as security for the loan in such condition and repair that the Department's security will be adequately protected.
- 2) The Recipient shall maintain, during the term of the loan, adequate (at least covering the amount of the loan) hazard (e.g., tornado, hail, acts of God) insurance policies, covering fire and extended coverage for all such other hazards and issued by an insurance company authorized to do business in the State of Illinois with loss payable clauses in favor of the Department.
 - 3) The Recipient shall, if at any time during the life of the loan the Recipient's property is declared to be within a flood hazard area, purchase federal flood insurance if available. Such insurance shall be equal to the amount of the loan.
 - 4) The Recipient shall maintain liability and worker's compensation insurance. The Recipient shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency which may, in any manner, affect the chattel, personal property or real estate securing the loan.

Section 510.200 Administrative Requirements For Grants

- a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination due to Loss of Funding - In the absence of State funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.
- 2) Termination for Cause
 - A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to the following: consistent failure to submit required reports; failure to maintain required records; failure to protect inventory; misuse of equipment purchased with grant funds; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.
 - B) The Department shall notify the Recipient in writing within 10 working days of the determination to terminate, the reasons for such termination, and the effective date of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities explained in the grant agreement.
- 3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancellable obligations, properly incurred by the Recipient prior to termination.
 - b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10], all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.
 - c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for three years after the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for three years from the final payment under the contract. The term "contract" as used in this clause excludes purchase orders not exceeding \$2,500.
 - d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be repaid to the Department within 45 days. The Recipient agrees to return the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

Section 510.205 Administrative Requirements For Loans and Grants

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- a) Audits - The Recipient shall be responsible for securing any compliance audit required of grant/loan records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards adopted by AICPA (1989).
- b) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants or loans.
- c) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant/loan from the Department.
- d) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- e) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5].
- f) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) September 19, 1987 (no later amendments or editions included) to maintain control and accountability over grant/loan funds.
- g) Integration Clause - The grant/loan agreement, with attachments, as written is a full and complete agreement between the parties and there are no oral agreements or understandings between the parties that have been reduced to writing herein.
- h) Severability Clause - If any provision under the grant/loan agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- i) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- j) State not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by themselves or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pledge the assets of the State nor does

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- it promise to pay any compensation to the grant or loan recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- k) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incident thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.
 - l) Insurance - The Recipient shall provide Worker's Compensation insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant/loan agreement.
 - m) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if in any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant/loan agreement.
 - n) Certifications - The Recipient shall certify that it is not barred from being awarded a contractor/subcontract under Section 10.1 of the Illinois Purchasing Act (30 ILCS 505/10.1). The Recipient shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33B-3 and 33B-4.
 - o) Reports - Recipients shall submit, as required by the Department in the Grant Agreement, reports on the financial status of the project and narrative reports on outcomes and results.

SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section 510-210 Purpose

Section 5 of the Illinois Promotion Act (Act) [20 ILCS 665] authorizes the Department of Commerce and Community Affairs to make grants to match funds from sources in the private sector. The intent of this program is to attract and host regional, national or international events which produce significantly increased economic impact for the State of Illinois.

Section 510-220 Definitions

"Applicant" means an Illinois for-profit entity, county, municipality or local promotion group.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Economic Impact" means the direct financial result of an event such as visitor attendance (local and out-of-area), number of room nights utilized, and length of stay.

"Event" means a convention, trade show, or major sporting activity.

"Local promotion group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois. [20 ILCS 665/3(b)]

"Municipality" means "municipality" as defined in Section 1-1-2 (1) of the Illinois Municipal Code [65 ILCS 5/1-2(1)].

"Private Sector" means any non-governmental entity.

"Program" means the Tourism Private Sector Grant Program.

"Project" means activity or activities funded by the Tourism Private Sector Grant Program.

"Recipient" means an Illinois Local Promotion Group, For-Profit Entity, county or municipality that has been awarded a Private Sector grant under this part.

Section 510.230 Eligible Uses of Grant Funds

a) Eligible Projects and Activities - Activities eligible for funding include, but are not limited to, costs associated with attracting and hosting new events such as advertising, marketing, transportation, housing, incentives, building rental, receptions, banquets, registrations, entertainment, speakers, programming, photography, postage, printing, audio-visual telemarketing, promotional items, and temporary staff. Costs associated with the retention of annual Illinois events will not be eligible unless documentation can be provided that the state is in danger of losing this event out-of-state.

b) Ineligible Projects and Activities - Activities that are ineligible for funding include, but are not limited to, developing facilities, purchase of equipment, normal operating expenses and purchase of alcoholic beverages.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 510.240 Eligible Applicants

For-profit entities, counties, municipalities and local promotion groups may apply for Private Sector grants.

Section 510.250 Funding Limitation

The Department shall provide no more than 50 percent of the entire amount of eligible expenditures for a single project. Total eligible project costs must be a minimum of \$50,000.

Section 510.260 Application Cycle

a) The Department shall supply interested entities with an application package upon request.

1) Applications under this program will be accepted on an ongoing basis with grants awarded July 1 through May 1 of each State fiscal year. Applications must be received 60 days prior to the award date.

2) Applications received after April 15 will be considered for grants awarded the next State fiscal year.

b) Applications will be accepted at the following addresses:

- 1) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701; or
- 2) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, James R. Thompson Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.

c) Applications shall be in writing and on the current approved forms provided by the Department.

d) An application shall be submitted as one original and three copies.

Section 510.270 Application Documentation

All applicants shall include documentation of the following:

- a) Description of the Project - a summary description of the project.
- b) History - a brief history of the applicant, including its legal organization, i.e., articles of incorporation, if incorporated as a not-for-profit or for-profit entity or statutory authority as a governmental entity and approval of the project by the appropriate entity.
- c) Use of funds - a detailed business plan of the use of the grant funds, which includes a detailed line-item budget. Indicate whether grant funds are for attracting or hosting an event.
- d) Results - a statement of the expected outcome and benefits to the State as a result of this project in terms of economic impact. Preference will be given to projects which demonstrate the greatest potential for increasing hotel/motel occupancy and travel into and

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

throughout the State of Illinois stimulating the economic growth of the tourism industry. The applicant must provide the Department with detailed economic impact.

- e) Project Implementation Schedule - a list of the timelines for major project milestones and/or activities including the start and end date of each activity.
- f) Letters of Commitment - documentation of all sources of private sector match.

Section 510.275 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. Fourteen days will be provided to correct such deficiencies. If sufficient documentation is not provided by this time, application will be returned null and void. Department staff shall conduct an evaluation of each application and make recommendations of applications to be considered for funding to an external review committee.

- a) The external review committee shall be comprised of the Executive Committee of Visit Illinois, Inc., as well as the Department of Commerce and Community Affairs/Deputy Director of Tourism.
- b) The external review committee will review and evaluate the applications recommended by the Department and make recommendations for grant funding for approval or rejection by the Department Director.

Section 510.280 Selection for Funding

- a) Applicants which best meet the objectives of the program and demonstrate the greatest potential to produce significantly increased economic impact shall receive grant funds until all available funds are expended by the Department.
- b) Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.
- c) If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of such event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity for the hosting of such event.

Section 510.285 Matching Funds

The applicant shall leverage additional financial resources for the project over and above funding provided by the Department in an amount not less than 100 percent of the grant award and no less than \$25,000.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

a) Allowable match includes:

- 1) Private Sector Funds - Grant Funds must be matched with dollar-for-dollar cash funding from the private sector.
- 2) In-kind contributions upon which the value is easily documentable such as hotel services and transportation company services not to exceed 25 percent (25%) of the match.

b) Unallowable match includes:

- 1) Costs incurred or funds expended prior to the date of grant award.
- 2) Funds from other Department financial programs (although they may be used to further the project).
- 3) Post project costs such as normal operational expenses.
- 4) Funds from sources other than the private sector.
- 5) Funds used as match for other grant programs.

Section 510.290 Administrative Requirements for Grants

a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination Due to Loss of Funding - In the absence of state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

2) Termination for Cause

A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

B) The Department shall notify the Recipient in writing within ten working days after the determination to terminate of the reasons for such termination and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.

- 3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel all many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancelable obligations, properly incurred by the Recipient prior to termination.

- b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds paid by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant and not expended as grant principal during the term of the grant, shall be returned to the Department.
- c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for five years after the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for five years from the final payment under the contract.
- d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.
- e) Audits - The Recipient shall be responsible for securing any compliance audit required of grant records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).
- f) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

grants.

- g) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant from the Department.
- h) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- i) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality in employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5].
- j) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA), September 19, 1987 (no later amendments or editions included) to maintain control and accountability over grant funds.
- k) Integration Clause - This agreement constitutes the final and entire agreement between the parties, and supersedes all prior written agreements and any prior or contemporaneous oral understandings regarding the subject matter hereof.
- l) Severability Clause - If any provision under the grant agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- m) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- n) State Not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by recipients or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pay any compensation to the grant recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- o) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incidents thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

The Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.

- p) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant agreement.

- q) Appropriations - Obligations of the Department shall cease immediately without penalty if further payment being required if any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant agreement.

- r) Certifications - The Recipient shall certify that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act [30 ILCS 505/10.1]. The Recipient shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.

- s) Reports - Recipients shall submit, as required by the Department, reports on the financial status of the project and narrative reports on outcomes and results.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Promotion Act Programs

- 2) Code Citation: 14 Ill. Adm. Code 510

- 3) Section Numbers:

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 510.10 | New Section |
| 510.20 | New Section |
| 510.30 | New Section |
| 510.40 | New Section |
| 510.50 | New Section |
| 510.60 | New Section |
| 510.70 | New Section |
| 510.80 | New Section |
| 510.90 | New Section |
| 510.110 | New Section |
| 510.120 | New Section |
| 510.130 | New Section |
| 510.140 | New Section |
| 510.150 | New Section |
| 510.160 | New Section |
| 510.210 | New Section |
| 510.220 | New Section |
| 510.230 | New Section |
| 510.240 | New Section |
| 510.250 | New Section |
| 510.260 | New Section |
| 510.270 | New Section |
| 510.310 | New Section |
| 510.320 | New Section |
| 510.330 | New Section |
| 510.340 | New Section |
| 510.350 | New Section |
| 510.360 | New Section |

- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

- 5) A Complete Description of the Subjects and Issues Involved: These new Illinois Promotion Act Programs rules governing the Tourism Marketing Partnership Program, the Tourism Attraction Development Loan and Grant Program, and the Tourism Private Sector Grant Program are submitted to replace the repealed rules. These new rules include the recommended improvements and enhancements to the programs that resulted from a comprehensive study of the tourism grant programs conducted for DCCA's Bureau of Tourism in 1999. That comprehensive study, which included a review of the best practices of other states' tourism grant programs, a customer satisfaction survey of grant program applicants and recipients, a review of the internal program administration procedures, and regional

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

public input sessions, helped to identify ways these matching grant programs needed to be revised and updated to bring them more in line with current national and international tourism trends, as well as improved to make them more accessible and flexible to meet the growing and changing needs of the Illinois local tourism industry to attract visitors. Over the years, the current rules had been revised several times, making them lengthy, cumbersome, inconsistent, and confusing for potential applicants. Therefore, it became apparent that the best approach to making the necessary changes to improve and enhance these programs appropriately and to incorporate the recommendations that resulted from the grant program study would be to repeal the outdated rules and to develop new, more streamlined replacement rules for the three Promotion Act grant programs. Part of this restructuring includes a general provisions Subpart, including Sections that are consistent across each program in general. These new replacement rules will be much clearer and easier for potential applicants to understand and follow, and will help to reduce unnecessary procedures and paperwork that have evolved over the years that have become burdensome for the applicants, grantees and the program managers administering the programs.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

- 11) mer, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, IL 60601
(312) 814-9593

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

corporations affected: Illinois counties, municipalities, not-for-profit organizations, local promotion groups, and for-profit businesses that apply for matching grants to fund eligible tourism projects. The submission of these new, replacement rules should have a positive effect on these entities.

- B) Reporting, bookkeeping or other procedures required for compliance: Grantees would already possess the minimum bookkeeping and reporting requirements needed for compliance.

- C) Types of professional skills necessary for compliance: Grantees would already possess the necessary professional skills for compliance.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: GENERAL PROGRAM PROVISIONS

Section
 510.10 Authority
 510.20 Definitions
 510.30 Form of Application
 510.40 Application Procedures
 510.50 Grant Agreement
 510.60 Computation of Time
 510.70 Severability
 510.80 Administrative Requirements for Grants
 510.90 Waiver of Prior Incurred Costs

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section
 510.110 Purpose
 510.120 Eligible Uses of Grant Funds
 510.130 Allocation of Appropriations
 510.140 Funding Limitation
 510.150 Matching Funds
 510.160 Evaluation and Selection Process

SUBPART C: TOURISM ATTRACTION DEVELOPMENT GRANT AND LOAN PROGRAM

Section
 510.210 Purpose
 510.220 Eligible Uses of Grant and Loan Funds
 510.230 Allocation of Appropriations
 510.240 Funding Limitation
 510.250 Matching Funds
 510.260 Evaluation and Selection Process
 510.270 Administrative Requirements for Loans

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section
 510.310 Purpose
 510.320 Eligible Uses of Grant Funds
 510.330 Allocation of Appropriations
 510.340 Funding Limitation

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

510.350 Matching Funds

510.360 Evaluation and Selection Process

AUTHORITY: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective June 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days; emergency expired September 13, 2000; amended at 24 Ill. Reg. 15044, effective September 27, 2000; emergency amendment at 24 Ill. Reg. 18834, effective December 8, 2000, for a maximum of 150 days; old Part repealed and new Part adopted at 25 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 510.10 Authority

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665].

Section 510.20 Definitions

The following definitions are applicable to this Part:

"Act": means the Illinois Promotion Act [20 ILCS 665].

"Agreement": means a written document executed between the Grantee and the Department defining the rights and obligations with respect to the Project.

"Applicant": means an organization, unit of local government or other eligible entity, as defined in Section 510.110, 510.210 or 510.310 of this Part, submitting a written request for program funds appropriated under the Act.

"Application": means a written request for program funds containing the required information and attachments.

"Borrower": means an Illinois county, municipality, not-for-profit

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

organization, local promotion group or for-profit business that has been awarded a loan in accordance with the Act.

"Bureau of Tourism": means the division of the Department that has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Director": means the Director of the Department of Commerce and Community Affairs.

"Economic Impact": means the direct financial result of visitor spending at a tourism destination, attraction or event.

"Eligible Project": means a project that is eligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"Fiscal Year": means July 1 through June 30, the fiscal year of the State of Illinois.

"Grant Amount": means an amount that the Department shall pay to a Grantee for its use on an eligible project.

"Grantee": means an Illinois county, municipality, not-for-profit organization, local promotion group or for-profit business that has been awarded a grant in accordance with the Act.

"Ineligible Project": means a project that is ineligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or region of Illinois as described in Section 3(b) of the Act.

"Matching Funds": means the portion of the total project cost that is provided by the Grantee, which is not funds from other Department funded grant programs or used to match any other grant, and is necessary and irrevocably obligated to the Project.

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Private Sector": means any non-governmental entity.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

"Program": means the Tourism Marketing Partnership Program, Tourism Attraction Development Loan and Grant Program, or the Tourism Private Sector Grant Program described in this Part.

"Project": means the activity or program of activities described by the Applicant in the Application and approved by the Department.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project as identified in the budget of the grant agreement.

"Tourism Attraction": means fishing and hunting areas, State parks, historical/cultural sites, areas of historic or scenic interest, museums, recreation areas, botanical gardens, theme/amusement parks, interpretive programs and other facilities or businesses that attract or serve visitors that are open to the public for a minimum of 100 days per year (if the Tourism attraction is entirely event driven, then it shall be open for a minimum of 200 hours per year), and are marketed and promoted to visitors from more than 50 miles away.

"Tourism Event": means an event, such as a major convention, trade show, sporting activity, or festival, with potential to attract visitors from outside a 50-mile radius and to produce significantly increased economic impact for the State of Illinois through overnight stays.

Section 510.30 Form of Application

- a) All communications relating to the Application procedures defined in Section 510.40 shall be sent to the Illinois Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701.
- b) An Application shall be typed or computer generated using the current approved format provided by the Department.
- c) An Application shall contain 1 original and the designated number of copies as required by the Department.
- d) An Application shall include information and supporting documents that will enable the Application to be evaluated based on the criteria described in Sections 510.160, 510.260 and 510.360 of this Part.
- e) Each Application, including supporting documents and attachments, shall be contained under a single cover.

Section 510.40 Application Procedures

- a) The Department shall supply interested entities with Application guidelines upon request. Applications under these programs will be accepted on an ongoing basis beginning May 1, with grants awarded July 1 through the end of each fiscal year, or until all appropriated funds

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

have been awarded. Applications must be received a minimum of 60 days prior to the project initiation date in order to be considered for funding.

- b) An Application will be considered delivered on the date it is postmarked or hand delivered to the Bureau of Tourism at the Department's Springfield address.
- c) Within 15 business days after the Department receives the Application, the Program Manager shall notify the Applicant whether, after a brief review, the Application and attachments, if any, are complete. This notice is not in any way an acknowledgment by the Department as to the adequacy of the substance of the Application. If the Application and attachments are incomplete, the Applicant shall be notified of the deficiencies. The Applicant will then have 15 business days to cure all deficiencies. In the event the Applicant fails to cure all deficiencies within the 15 business days, the Application shall be considered null and void and returned to the Applicant.
- d) Within 60 days from the date an Application is determined to be complete, the Program Manager shall notify the Applicant that the Application has been approved or rejected. If the Application has been rejected, the notification shall state the reasons for that determination.

Section 510.50 Grant Agreement

- a) When a grant has been awarded, the Grantee and the Department shall execute an agreement. The agreement shall be executed between the Grantee and the Director of the Department or the Director's designee on behalf of the Department. The Project shall not be initiated and costs shall not be incurred prior to the time the Department approves the Application in order for the costs to be eligible for funding.
- b) The agreement shall contain substantive provisions, including, but not limited to, the following:
 - 1) A recitation of legal authority pursuant to which the agreement is made;
 - 2) An identification of the Project scope and schedule, and the work or services to be performed or conducted by the Grantee;
 - 3) An identification of the grant amount;
 - 4) The conditions and manner in which the Department shall pay the grant amount subject at all times to annual appropriation by the General Assembly;
 - 5) The irrevocable promise of the Grantee to pay the local match of the Total Project Cost;
 - 6) A promise by the Grantee not to assign or transfer any of the rights, duties or obligations of the Grantee without the written consent of the Department;
 - 7) A promise by the Grantee not to amend the agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The Project must be completed by the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

completion date of the notice of grant award unless a written request for an extension is submitted no later than 30 days prior to the award completion date;

- 8) A covenant that the Grantee shall expend the grant amount and any accrued interest only for the purposes of the Project as stated in the grant agreement and approved by the Department; and
- 9) A covenant that the Grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.

Section 510.60 Computation of Time

Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating that period of time occurs, and shall run until the end of the last day or the next business day if the last day is a Saturday, Sunday or federal or State holiday. When the period of time is 5 days or less, Saturday, Sunday and federal or State holidays shall be excluded in the computation of time. Timeliness shall be deemed the date of postmark or the date of hand delivery.

Section 510.70 Severability

If any Section, subsection, subdivision, paragraph, sentence, clause or phrase in this Part or any portion thereof is for any reason held to be unconstitutional or invalid or ineffective by any form of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Part or any portion thereof.

Section 510.80 Administrative Requirements for Grants

- a) Termination of Grant - Grants shall be terminated for the following reasons:
 - 1) Termination Due to Loss of Funding - In the absence of State funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State funding, the Department will make proportionate cuts to all Grantees. In the event the Department suffers such a loss of funding in full or part, the Department will give the Grantee written notice setting forth the effective date of full or partial termination or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) Termination for Cause
 - A) If the Department determines that the Grantee has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

that will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

B) The Department shall notify the grantee in writing, within 10 working days after the determination to terminate, of the reasons for such termination and the effective date of the termination. Payments made to the grantee or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.

3) Termination by Agreement - The Department and the Grantee shall terminate the grant in whole or in part when the Department and the Grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Grantee shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Grantee for the Department's share of the noncancelable obligations, properly incurred by the Grantee prior to termination.

b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the Grantee under the grant shall become part of the grant when earned, as long as this amount does not exceed the maximum allowable grant award. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

c) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705/4], all funds, including any interest, remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Grantee, shall be returned to the Department within 45 days after the end of the relevant period. The Grantee agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

d) Audits - A Grantee shall be responsible for securing a compliance audit for any grant award exceeding \$300,000. Additionally, an audit may be required when certain risk conditions exist, including, but not limited to, a negative compliance history and disclosure of previous material audit findings. The audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

accepted auditing standards contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2000, no later editions are incorporated).

e) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.

f) Monitoring and Evaluation - Grantee shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Grantee involving transactions related to a grant from the Department. Once the Department has concluded its monitoring activities, the Grantee will be notified of the Department's findings. If a determination of noncompliance has been made by the Department, the Grantee will be allowed an opportunity to cure any and all noncompliance issues. If any noncompliance issues cannot be resolved, the Department will issue a notice requesting that the Grantee repay any funds that are determined by the Department to have been spent in violation of the agreement. If the Grantee fails to comply with the Department's notice, the Department shall issue a final notice providing the Grantee the opportunity to request an administrative hearing pursuant to the Department's Administrative Hearing Rules found at 56 Ill. Adm. Code 2605.

g) Complaint Process - An administrative hearing is initiated by a party serving a Petition for Hearing on the Department, or by the Department serving a Notice of Charges on the Grantee. In either case, the Department and the Grantee shall follow the Administrative Hearing Rules as set forth in 56 Ill. Adm. Code 2605.

h) Certifications - The Grantee shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/338-3 and 338-4.

i) Reports - Grantee shall submit, as required by the Department, reports on the financial status of the project and reports on outcomes and results of the project.

Section 510.90 Waiver of Prior Incurred Costs

The Director of the Department may waive the application submittal deadlines set forth in Section 510.40 if:

a) the Director finds that to do so would allow the Department to consider a project that would further the purposes of the Act and that is otherwise compliant with the provisions of this Part; and

b) funds remain available for expenditure on such a project. The Director's written waiver shall be sufficient to allow for evaluation of the application in accordance with the procedures outline in Sections 510.160, 510.260, and 510.360.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section 510.110 Purpose

Section 5 of the Act authorizes the Department to make grants to counties, municipalities, not-for-profit organizations, and local promotion groups located in the State of Illinois to assist in the promotion of tourism destinations, attractions and events.

Section 510.120 Eligible Uses of Grant Funds

- a) Eligible Promotional Projects and Activities - The Program shall provide matching grants to eligible applicants to assist in promotional activities including, but not limited to, the following:
 - 1) Production and printing of travel related brochures that are primarily used as fulfillment for advertising placed outside of 50 miles;
 - 2) Advertising primarily directed toward areas outside of 50 miles from the attraction, event, or area being promoted;
 - 3) Rental of billboard space and artwork, design and production of billboard advertising to promote a destination, attraction, event or other travel related service;
 - 4) Web site development;
 - 5) Marketing research;
 - 6) Travel/trade show booth space rental and expenses (i.e., electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for both domestic and international marketing;
 - 7) 1-800 number telephone expenses for visitor inquiries; and
 - 8) Expenses for shipping and distribution of promotional publications, purchase and use of mailing lists for direct mail promotions, and postage used for fulfillment.
- b) Ineligible Promotional Projects and Activities - Projects and activities ineligible for funding are those that do not contribute to increasing visitation and travel expenditures in the State, including, but not limited to:
 - 1) Administrative expenses (e.g., stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment) except for 1-800 number phone expenses for visitor inquiries;
 - 2) Normal postage, distribution and shipping expenses except for those allowed in subsection (a)(8);
 - 3) Association or organizational dues;
 - 4) Street banners, bumper stickers, placemats, or any type of specialty items;
 - 5) Any type of quick-print materials;
 - 6) Purchase or rental of projectors, television sets, or video recorders;
 - 7) Projects solely prepared for internal use.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 8) Event production expenses (e.g., audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.);
- 9) Travel expenses (transportation, lodging, per diem);
- 10) Maintenance fees associated with a website; and
- 11) Promotion of county fairs.

Section 510.130 Allocation of Appropriations

Annual appropriations made by the General Assembly to the Department for the purpose of making grants under Section 5 of the Act for promotional activities are allocated by the Department pursuant to Section 8(1) of the Act.

Section 510.140 Funding Limitation

The total project cost must equal or exceed \$3,000 in order to be considered for a grant award.

- a) Up to 40% of the total project cost may be funded for approved projects generating additional visitation to the area from outside 50 miles but generating limited overnight stays.
- b) Up to 50% of the total project cost may be funded for projects that generate significant visitation and overnight stays to the area.
- c) Up to 60% of the total project cost may be funded for:
 - 1) First-time marketing activities that have the ability to generate significant visitation and overnight stays;
 - 2) Advertising of a value-added package, including overnight accommodations with attraction admission, coupons, etc.;
 - 3) Marketing an entire heritage tourism demonstration area or scenic byway; and
 - 4) Projects including partners across multiple jurisdictions outside their normal designated service area.
- d) The maximum grant amount for any one Grantee in a fiscal year shall be \$50,000, unless on February 1 funds remain available. At that time, Grantees who have reached their maximum grant amount of \$50,000 can apply for additional funds.
- e) Grantees that charge "for-profit" participants for inclusion in promotional projects must also include the promotion of the entire destination in such advertisements. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

Section 510.150 Matching Funds

The Grantee shall provide matching funds to the total project cost that:

- a) Are identified in the budget of the grant agreement;
- b) In no case shall be less than 40% of the total project cost;
- c) Are not funds from other Department funded grant programs or funds used to match any other grants; and

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- d) Are necessary and irrevocably obligated to the Project.

Section 510.160 Evaluation and Selection Process

- a) Upon completion of the Application procedure as described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:
- 1) Does the Project promote a viable tourism destination, attraction or event located within 30 miles of an area with supporting visitor services?
 - 2) Is the Project part of the Applicant's overall marketing plan?
 - 3) Does the Project include repeat marketing efforts and do the results from those efforts justify repeat funding?
 - 4) Do the geographic advertising markets appear reasonable and based upon research?
 - 5) Will a majority of the marketing be targeted to attract visitors from outside 50 miles?
 - 6) Does the Project encompass multiple attractions, municipalities, or counties?
 - 7) Does the Project demonstrate how it will increase visitation, length of stay and/or tourism expenditures from outside 50 miles?
 - 8) Does the Project include tracking and evaluation measures?
 - 9) Will the Project have a significant impact on the area's overall tourism efforts?

- b) Points may be deducted from the overall score based upon the Applicant's most recent grant performance in the areas of:

- 1) Accountability;
- 2) Timeliness; and
- 3) Effectiveness.

- c) An Application must receive a minimum of 40 points to be eligible for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.

SUBPART C: TOURISM ATTRACTION DEVELOPMENT GRANT AND LOAN PROGRAM**Section 510.210 Purpose**

Section 8a of the Act authorizes the Department to make grants and loans to counties, municipalities, not-for-profit organizations, local promotion groups, and for-profit businesses for the development or improvement of tourism attractions in Illinois.

Section 510.220 Eligible Uses of Grant and Loan Funds

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- a) Eligible Projects and Activities - The Program shall provide grants and loans to eligible Applicants for projects and activities including, but not limited to, the following:

- 1) Capital Projects - land acquisition, construction, renovation or acquisition of buildings;
 - 2) Equipment - purchase and installation of machinery and equipment;
 - 3) Training - development and presentation of hospitality, quality service and/or other types of tourism training programs intended to provide a competitive workforce for the tourism industry of Illinois;
 - 4) Studies - feasibility, research, development, and marketing studies dedicated to improving and developing tourism specific attractions; and
 - 5) Interpretive Programs - creation, implementation and staffing of interpretive programs located within historic/cultural sites.
- b) Ineligible Projects and Activities - Projects and activities ineligible for funding include, but are not limited to, the following:
- 1) Debt refinancing;
 - 2) Contingency funding;
 - 3) Normal operating expenses;
 - 4) Routine staff;
 - 5) Operating expenses; and
 - 6) Administrative expenses.

Section 510.230 Allocation of Appropriations

Annual appropriations made by the General Assembly to the Department for the purpose of making loans and grants under Section 8a of the Act may be used by the Department in any county in the State.

Section 510.240 Funding Limitation

The Department shall provide no more than 50% of the entire amount of actual expenditures for a single project, not to exceed \$1,000,000.

Section 510.250 Matching Funds

- a) The Grantee shall provide matching funds to the total project cost that:
- 1) Are identified in the budget of the grant agreement;
 - 2) In no case shall be less than 50% of the total project cost, if the Grantee is a county, municipality, not-for-profit organization or local promotion group;
 - 3) In no case shall be less than 75% of the total project cost, if the Grantee is a for-profit business;
 - 4) Are not funds from other Department funded grant programs or funds used to match any other grants; and
 - 5) Are necessary and irrevocably obligated to the Project.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- b) Allowable match includes:
- 1) Term loan proceeds, bond sale proceeds, or other forms of financial institution participation;
 - 2) Other public grant or loan program funds;
 - 3) Retained earnings, proceeds of a public stock offering, or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill;
 - 4) Local hotel/motel tax, membership dues, or other cash contributions; and
 - 5) In-kind contributions necessary to complete the project and for which the cash value is easily documented (i.e., donated labor, equipment, supplies and materials), and that are eligible grant and match line-item expenditures identified in the budget of the grant agreement. In-kind contributions may only be used as allowable match by municipalities, counties, not-for-profit organizations, or local promotion groups and cannot exceed 25% of the match requirement.
- c) Unallowable match includes:
- 1) Costs incurred or funds expended prior to the date of grant or loan award unless those costs are approved by the Department as being otherwise compliant with the provisions of this Part and consistent with the purposes of the Act;
 - 2) Funds from other Department funded grant programs (although they may be used to further the Project);
 - 3) Existing equipment, buildings, furnishings, or inventory, already owned;
 - 4) Lines of credit;
 - 5) Contract for deed without a due and payable clause or that is an apparent substitute for simple rent;
 - 6) Post project costs such as normal operational expenses;
 - 7) Debt refinancing; and
 - 8) In-kind contributions, if the Grantee is a for-profit business.

Section 510.260 Evaluation and Selection Process

- a) Upon completion of the Application procedure as described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:
 - 1) Is the Project a viable tourism attraction located within 30 miles of an area with supporting visitor services?
 - 2) Does the attraction meet the definition of a tourism attraction as defined in Section 510.20 of this Part?
 - 3) Are the costs itemized on the budget reasonable and necessary to enhance or develop the tourism attraction?
 - 4) Is the tourism attraction currently marketed or going to be marketed to visitors from outside 50 miles?

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 5) Does the Project demonstrate how it will increase visitation, length of stay and/or tourism expenditures from outside 50 miles?
 - 6) Does the Project include adequate tracking and evaluation measures?
 - 7) Will the development or enhancement of the tourism attraction be completed and open to the public with regular scheduled hours at the end of the grant period?
 - 8) Will the increase in expenditures from additional visitors generate a Return on Investment (ROI) for the State within 3 years?
 - 9) Does the Project demonstrate the potential for sustainable economic growth and job creation, or a significant impact on the area's overall tourism efforts?
- b) Points may be deducted from the overall score based upon Applicant's most recent grant performance in the areas of:
- 1) Accountability;
 - 2) Timeliness; and
 - 3) Effectiveness.
- c) An Application must receive a minimum of 40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- d) Financial Evaluation Component - The Department shall conduct a financial analysis of the loan Application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss statements for the past three years, as well as the most recent 90 days, and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis that will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1999-2000 (no later amendments or editions included) "RMA Annual Statement Studies", published by Risk Management Association, One Liberty Plaza, 1650 Market, Suite 2300, Philadelphia, PA 19103, or a comparable source if such industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

Section 510.270 Administrative Requirements for Loans

- a) Loan Terms - The Department shall negotiate the loan terms and amortization schedule. All payments shall be applied first to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

interest and then to principal.

- b) Default - Upon default, the entire principal of the loan, and any interest accrued thereon, shall become immediately due and payable upon the written demand of the Department, without any other notice or demand of any kind or any presentation of protest, when one of the following events occurs. However, if the Borrower's payments have been deferred, the Borrower shall remit payments in accordance with the deferred payment plan. The Department may grant payment deferrals on a case by case basis after reviewing the Borrower's financial statements and projections in determining whether the Borrower will be able to make payments at a future date.

- 1) Failure to Remit Payments - The Borrower shall be considered to have breached the loan agreement when a scheduled payment is not timely remitted and remains unpaid for 15 days from the due date.
- 2) Inaccurate Representation - The Borrower shall be considered to have breached the loan agreement if it furnishes any inaccurate information, whether expressed or implied, to the Department in connection with the execution and/or delivering of the loan agreement.
- 3) Breach of Terms - If the Borrower fails to perform or comply with any of its obligations or duties under the terms of the loan agreement and if that nonperformance is not cured within 30 days after notice to the Borrower, the Borrower shall be held in default after either:
 - A) the nonperformance becomes known to an executive officer of the Borrower; or
 - B) written notice is given to the Borrower by the Department.

- c) Notice of Default - The Department shall give the Borrower written notice of any breach specified in this Section. In the event the Borrower fails to cure the breach within 30 days after the notice, the Borrower shall be held in default.

- d) Maintenance and Insurance of Property

- 1) The Borrower shall at all times maintain the property provided as security for the loan in such condition and repair that the Department's security will be adequately protected.
- 2) The Borrower shall maintain, during the term of the loan, adequate (at least covering the amount of the loan) hazard (e.g., tornado, hail, acts of God) insurance policies providing fire and extended coverage for all such other hazards. Insurance coverage shall be issued by an insurance company authorized to do business in the State of Illinois, with loss payee clauses in favor of the Department.
- 3) If at any time during the life of the loan, the Borrower's property is declared to be within a flood hazard area, the Borrower shall purchase federal flood insurance, if available. The flood insurance shall be equal to the amount of the loan.
- 4) The Borrower shall maintain liability and worker's compensation insurance.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 5) The Borrower shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency that may, in any manner, affect the chattel, personal property or real estate securing the loan.

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section 510.310 Purpose

Section 5 of the Act authorizes the Department to make grants to Illinois not-for-profit organizations, for-profit entities, counties, municipalities and local promotion groups to match funds from sources in the private sector for the purpose of attracting and hosting tourism events.

Section 510.320 Eligible Uses of Grant Funds

- a) Eligible Projects and Activities - Activities eligible for funding include, but are not limited to, the following costs associated with attracting and hosting new events:

- 1) Advertising and marketing activities directed toward areas outside of 50 miles from the event;
- 2) Transportation and housing;
- 3) Incentives;
- 4) Building rental;
- 5) Receptions and banquets;
- 6) Registrations;
- 7) Entertainment and speakers;
- 8) Programming;
- 9) Photography, postage and printing;
- 10) Audiovisual;
- 11) Telemarketing;
- 12) Promotional items; and
- 13) Temporary staff.

Costs associated with hosting existing or repeat events will not be eligible unless documentation can be provided that the event was secured in direct competition with other states or significant enhancements will be made to the event to increase the attendance from outside 50 miles.

- b) Ineligible Projects and Activities - Activities that are ineligible for funding include, but are not limited to, the following:

- 1) Developing or making permanent improvements to facilities;
- 2) Purchase of equipment;
- 3) Normal payroll or operating expenses; and
- 4) Purchase of alcoholic beverages.

Section 510.330 Allocation of Appropriations

Annual appropriations made by the General Assembly to the Department for the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

purpose of making grants under Section 5 of the Act to match funds from the private sector may be used by the Department in any county of this State.

Section 510.340 Funding Limitation

The Department shall provide no more than 50% of the entire amount of eligible expenditures for a single project. Total eligible project costs must be a minimum of \$20,000.

Section 510.350 Matching Funds

a) The Grantee shall provide matching funds to the total project cost that:

- 1) Are identified in the budget of the grant agreement;
- 2) In no case shall be less than an amount equal to the grant award or 50% of the total project cost;
- 3) Are not other government funds or funds used to match any other grants; and
- 4) Are necessary and irrevocably obligated to the Project.

b) Allowable match includes:

- 1) Private Sector funds - Grant funds must be matched with dollar-for-dollar cash funding from the private sector; and
- 2) In-kind contributions from the private sector for which the value is easily documentable, such as hotel services and transportation company services, not to exceed 25% of the match.

c) Unallowable match includes:

- 1) Costs incurred or funds expended prior to the date of the grant award unless those costs are approved by the Department as being otherwise compliant with the provisions of this Part and consistent with the purposes of the Act;
- 2) Post project costs not identified in the budget of the grant agreement;
- 3) Funds from sources other than the private sector (although they may be used to further the Project);
- 4) Funds used as match for other grant programs; and
- 5) Normal operational expenses, such as payroll costs, office and equipment rental, utilities, etc.

Section 510.360 Evaluation and Selection Process

- a) Upon completion of the Application procedure described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. The criteria used in determining whether an Application will be considered for a grant award includes, but is not limited to, the following:
 - 1) Is the event being held within 30 miles of an area with supporting visitor services?
 - 2) Are the costs itemized on the budget reasonable and necessary to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- hold the event?
 - 3) Will the event be marketed to visitors from outside 50 miles?
 - 4) Will the event attract more than 5000 visitors from outside a 50-mile radius?
 - 5) Will the event generate media coverage outside the local area?
 - 6) Will the event increase visitation, length of stay and/or tourism expenditures from outside 50 miles?
 - 7) Are there established tracking and evaluation measures for the event?
 - 8) Will the event generate a Return on Investment (ROI) of a minimum of \$1-\$1 in State tax revenues?
 - 9) Will the event have a significant impact on the area's overall tourism efforts?
- b) Points may be deducted from the overall score based upon Applicant's most recent grant performance in the areas of:
- 1) Accountability;
 - 2) Timeliness; and
 - 3) Effectiveness.
- c) An Application must receive a minimum of 40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- d) Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.
- e) If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of that event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity for the hosting of the event.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers: Proposed Action:
112.1 Amendment
112.151 Amendment

- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Art. IV and 12-13).

- 5) A. Complete Description of the Subjects and Issues involved: These proposed amendments provide for not counting against their 60-month limit a month in which an otherwise eligible adult cares for a severely disabled child approved for a waiver under the Home & Community Based Care Program. This proposed rulemaking also exempts funds held in an individual Development Account (IDA).

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: February 2001

The full text of Proposed Amendments begins on the next page.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Description of the Assistance Program and Time Limit
Time Limit on Receipt of Benefits for Clients Enrolled in
Post-Secondary Education
Incorporation by Reference

Section

112.7

112.8

112.9

112.10

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8

112.9

112.10

112.11

112.12

112.13

112.14

112.15

112.16

112.17

112.18

112.19

112.20

112.21

112.22

112.23

112.24

112.25

112.26

112.27

112.28

112.29

112.30

112.31

112.32

112.33

112.34

112.35

112.36

112.37

112.38

112.39

112.40

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TANF Orientation
Reconciliation and Fair Hearings
TANF Employment and Work Activities
Sanctions
Good Cause for Failure to Comply with TANF Participation Requirements
Responsible Relative Eligibility for JOBS (Repealed)
Supportive Services
Teen Parent Services
Teen Experience Evaluation Project (Repealed)
Work Experience Evaluation Project (Repealed)
Four Year College/Vocational Training Demonstration Project
(Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86

112.87

112.88

112.89

112.90

112.91

112.92

112.93

112.94

112.95

SUBPART F: EXCHANGE PROGRAM

Section

112.98

Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100

112.101

112.102

112.103

112.104

112.105

112.106

112.107

112.108

112.109

112.110

112.111

112.112

112.113

112.114

112.115

112.116

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Description of the Assistance Program and Time Limit
Time Limit on Receipt of Benefits for Clients Enrolled in
Post-Secondary Education
Incorporation by Reference

Section

112.7

112.8

112.9

112.10

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8

112.9

112.10

112.11

112.12

112.13

112.14

112.15

112.16

112.17

112.18

112.19

112.20

112.21

112.22

112.23

112.24

112.25

112.26

112.27

112.28

112.29

112.30

112.31

112.32

112.33

112.34

112.35

112.36

112.37

112.38

112.39

112.40

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

| | |
|---------|--|
| 112.130 | Earned Income |
| 112.131 | Earned Income Tax Credit |
| 112.132 | Budgeting Earned Income |
| 112.133 | Budgeting Earned Income of Employed Applicants |
| 112.134 | Initial Employment |
| 112.135 | Budgeting Earned Income For Contractual Employees |
| 112.136 | Budgeting Earned Income For Non-Contractual School Employees |
| 112.137 | Termination of Employment |
| 112.138 | Transitional Payments (Repealed) |
| 112.139 | Exempt Earned Income |
| 112.140 | Earned Income Exemption |
| 112.141 | Exclusion From Earned Income Exemption |
| 112.142 | Recognized Employment Expenses |
| 112.143 | Income from Work-Study and Training Programs |
| 112.144 | Earned Income From Self-Employment |
| 112.145 | Earned Income From Roomer and Boarder |
| 112.146 | Income From Rental Property |
| 112.147 | Payments from the Illinois Department of Children and Family Service |
| 112.148 | Earned Income In-Kind |
| 112.149 | Assets |
| 112.150 | Exempt Assets |
| 112.151 | Asset Disregards |
| 112.152 | Deferral of Consideration of Assets |
| 112.153 | Property Transfers (Repealed) |
| 112.154 | Income Limit |
| 112.155 | |

SUBPART H: PAYMENT AMOUNTS

| | |
|---------|--|
| Section | |
| 112.250 | Grant Levels |
| 112.251 | Payment Levels |
| 112.252 | Payment Levels in Group I Counties |
| 112.253 | Payment Levels in Group II Counties |
| 112.254 | Payment Levels in Group III Counties |
| 112.255 | Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed) |

SUBPART I: OTHER PROVISIONS

| | |
|---------|---|
| Section | |
| 112.300 | Persons Who May Be Included in the Assistance Unit |
| 112.301 | Presumptive Eligibility |
| 112.302 | Reporting Requirements for Clients with Earnings |
| 112.303 | Retrospective Budgeting |
| 112.304 | Budgeting Schedule |
| 112.305 | Strikers |
| 112.306 | Foster Care Program |
| 112.307 | Responsibility of Sponsors of Non-Citizens Entering the Country Prior |

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

| | |
|---------|---|
| 112.308 | to 8/22/96 |
| 112.308 | Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96 |
| 112.309 | Institutional Status |
| 112.310 | Child Care for Representative Payees |
| 112.315 | Young Parent Program (Renumbered) |
| 112.320 | Redetermination of Eligibility |
| 112.330 | Extension of Medical Assistance Due to Increased Income from Employment |
| 112.331 | Four Month Extension of Medical Assistance Due to Child Support Collections |
| 112.332 | Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed) |
| 112.340 | New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed) |

SUBPART J: CHILD CARE

| | |
|---------|---|
| Section | |
| 112.350 | Child Care (Repealed) |
| 112.352 | Child Care Eligibility (Repealed) |
| 112.354 | Qualified Provider (Repealed) |
| 112.356 | Notification of Available Services (Repealed) |
| 112.358 | Participant Rights and Responsibilities (Repealed) |
| 112.362 | Additional Service to Secure or Maintain Child Care Arrangements (Repealed) |
| 112.364 | Rates of Payment for Child Care (Repealed) |
| 112.366 | Method of Providing Child Care (Repealed) |
| 112.370 | Non-JOBES Education and Training Program (Repealed) |

SUBPART K: TRANSITIONAL CHILD CARE

| | |
|---------|--|
| Section | |
| 112.400 | Transitional Child Care Eligibility (Repealed) |
| 112.404 | Duration of Eligibility for Transitional Child Care (Repealed) |
| 112.406 | Loss of Eligibility for Transitional Child Care (Repealed) |
| 112.408 | Qualified Child Care Providers (Repealed) |
| 112.410 | Notification of Available Services (Repealed) |
| 112.412 | Participant Rights and Responsibilities (Repealed) |
| 112.414 | Child Care Overpayments and Recoveries (Repealed) |
| 112.416 | Fees for Service for Transitional Child Care (Repealed) |
| 112.418 | Rates of Payment for Transitional Child Care (Repealed) |

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUPPARTS C, D and E recodified to SUPPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6255, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19596, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6594, effective April 27, 1994; amended at 18 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12605, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 13244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; emergency amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13988, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUPPART A: GENERAL PROVISIONS

Section 112.1 Description of the Assistance Program and Time Limit

- a) The program provides temporary assistance for needy families. Clients are limited to 60 months of benefits as an adult. This is a lifetime limit and includes cash benefits received both in Illinois and other states. ~~Months in which the family has reported weekly hours of employment equal to or greater than the State TANF Work Requirement will not count toward the 60-month limit. Months in which a family head is a teen parent under age 18 will not count toward the 60-month limit. All parents or caretakers must engage in work activities within 24 months or, if earlier, when determined able to work.~~
- b) Months in which the family has reported weekly hours of employment equal to or greater than the State TANF Work Requirement will not count toward the 60-month limit. The State TANF Work Requirement is as follows:
- 1) For Category 06 (two parent) cases - 35 hours per week in FFY 1999 and after;
 - 2) For Category 04 cases - 20 hours per week in FFY 1998, 25 hours per week in FFY 1999, 30 hours per week in FFY 2000 and after.
 - c) Months in which a family head is a teen parent under age 18 will not count toward the 60-month limit.
 - d) Months in which a person meets the criteria listed in Section 112.2 will not count toward that person's 60-month limit.
 - e) Months in which a person cares for a severely disabled child approved for a waiver under the Home & Community Based Care Program will not count toward the 60-month limit.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 112.151 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
- 1) A home which is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile per assistance unit.
 - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 608e 2011 et seq.).
 - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
 - 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC 608-e 1771 et seq.) and the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- special food service program for children under the National School Lunch Act (42 USC 608-e 1751 et seq.).
- 7) The principal and interest of a trust fund which the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.
 - 8) Burial spaces and additions or improvements to a burial space.
 - 9) Prepaid Funeral Agreements worth \$1500 or less per person.
 - 10) Donations or benefits from fund raising held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
 - 11) A nonrecurring lump-sum SSI payment and a nonrecurring lump-sum SSA payment based on the individual's disability and made to that individual in a TANF assistance unit is exempt as an asset for the month of receipt and the following month. For the third month, any remainder must be counted as a nonexempt asset.
 - 12) The value of any savings in which the money is accumulated from the earning of a child. The interest is also exempt as well as gifts to the child not exceeding \$50 per quarter.
 - 13) The value of micro-equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a Responsibility and Services Plan for the establishment of a self-employment enterprise.
 - 14) Funds held in Individual Development Accounts meeting the requirements of Section 404(h) of the Social Security Act or in a program approved by the Department.
- b) In addition to the above, the following assets are exempt. The assets listed in this subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.
- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
 - 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 USC 608-e 3045 et seq.), as amended.
 - 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 608-e 4801 et seq.).
 - 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-234, P.L. 93-134 or P.L. 94-340.
 - 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 608-e 1601 et seq.).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 USC 881-1437f) of the U.S. Housing Act of 1937.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
- 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owed on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000, the case will be reviewed in the DHS central office to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.

- 11) Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 853-1988b through 1989b-8).
- 12) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 853-1989c through 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Health Start" Project.
- 16) Disaster relief payments provided by federal, State or local government or a disaster assistance organization.
- 17) Earmarked child support payments received by a client for the support of a child not included in the assistance unit.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 18) Payments received under the federal Radiation Exposure Compensation Act (42 USC 8753-7-2210 nt).
- 19) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Emergency Medical Services and Trauma Center Code2) Code Citation: 77 Ill. Adm. Code 5153) Section Numbers: Proposed Action:

515.300 Amendment

515.320 Amendment

515.330 Amendment

515.350 Amendment

515.450 New Section

515.510 Amendment

515.530 Amendment

515.540 Amendment

515.730 Amendment

515.740 Amendment

515.750 Amendment

515.830 Amendment

515.2030 Amendment

515.2035 Amendment

515.2040 Amendment

515.2045 Amendment

515.2050 Amendment

515.2200 New Section

APPENDIX A Amendment

APPENDIX C Amendment

APPENDIX H Amendment

APPENDIX I New Section

APPENDIX J New Section

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: Section 515.300 (Approval of New EMS Systems) is being amended to revise requirements for new EMS Systems. The Department will become involved in the approval process only if the request is denied at the Regional level. "Existence of an uncovered geographic area" will not be a criterion because a new System would automatically be designated for an uncovered area.

Section 515.320 (Scope of EMS Service) is being amended to require the Resource Hospital to identify the EMS System in its budget, with sufficient funds to support the EMS Medical Director, EMS System Coordinator and support staff and to provide for the operation of the EMS System.

Section 515.330 (EMS System Program Plan) is being amended to require each hospital to have a policy addressing peak census procedures, such as the policy developed by the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.350 (Data Collection and Submission) is being amended to require run reports to be completed by all non-transport vehicle service providers to document all medical care rendered.

A new Section 515.450 is being added to establish procedures for investigating complaints.

Section 515.510 (Emergency Medical Technician - Intermediate Training) is being amended to delete reference to a Department examination that is no longer offered.

Section 515.530 (EMT Testing and Fees) is being amended to clarify that the Department EMT-I examination will be administered only when an examination is available.

Section 515.540 (EMT Licensure) is being amended to require an EMT to notify the Department within 30 days after any change in name or address. Reference to functioning in an EMS System is deleted, since an EMT cannot do so prior to licensure.

Section 515.730 (Pre-Hospital Registered Nurse) is being amended to require a pre-hospital RN to notify the Department within 30 days after any change in name or address.

Section 515.740 (Emergency Communications Registered Nurse) is being amended to require an ECRN to notify the Department within 30 days after any change in name or address.

Section 515.750 (Trauma Nurse Specialist) is being amended to require a trauma nurse specialist (TNS) to notify the Department within 30 days after any change in name or address.

Section 515.830 (Ambulance Licensing Requirements) is being amended to delete the provision concerning an end stop device.

Section 515.2030 (Level I Trauma Center Designation Criteria) is being amended to require a physician with current completion of ATLS to be present 24 hours a day in the level I trauma center to treat the Category I trauma patient. If a resident is fulfilling the trauma surgeon requirement, an attending will be required to be present for patients undergoing procedures by the time the surgery begins. One RN in the Intermediate Care Unit per shift must be a Trauma Nurse Specialist. Additional requirements for Trauma Nurse Specialists in the Trauma Center are being added. The Trauma Center will also be required to demonstrate an ongoing relationship with its designated organ procurement agency.

Section 515.2035 (Level I Pediatric Trauma Center) is being amended to require the nurse in the pediatric intensive care unit to be a Trauma Nurse Specialist. The TNS in the emergency department will also have

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

responsibility for nursing care of the trauma patient.

Section 515.2040 (Level II Trauma Center Designation Criteria) is being amended to move obstetrical services from a "surgical specialty" to a "surgical service." One RN in the Intensive Care Unit per shift will be required to be a TNS. Additional required equipment includes temperature control devices, drugs, intravenous fluids and supplies in accordance with the Hospital Licensing Requirements. The TNS in the emergency department is also required to be responsible for care of the trauma patient.

Section 515.2045 (Level II Pediatric Trauma Center) is being amended to clarify the Medical Director requirements; to require one RN per shift in the ICU to be a TNS; to require the TNS in the emergency department to have responsibility for care of the trauma patient; and to delete redundant language concerning additional trauma requirements.

Section 515.2050 (Trauma Center Uniform Reporting Requirements) is being amended to clarify computer software requirements and to add information that must be reported for each trauma patient.

A new Section 515.2200 is being added to establish suspension policies for trauma nurse specialist certification.

In Appendix A (A Request for Designation (RFD) Trauma Center), the application form is being revised.

In Appendix G (Credentials of General/Trauma Surgeons), two years of post-residency trauma experience replaces the one-year trauma care experience and Medical Director requirements.

In Appendix H (Credentials of Emergency Department Physicians), credentials are being amended to remove reference to residency and to add American Osteopathic Board of Emergency Medicine (AOBEM) of the American Osteopathic Association (AOA) certification or eligibility.

Appendix I (Credentials of General/Trauma Surgeons Level I and II Pediatric Trauma Center) and Appendix J (Credentials of Emergency Department Physicians Level I and II Pediatric Trauma Centers) are being added.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of this notice in the Illinois Register.

- 6) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain any incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@dph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address. Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Providers of emergency medical services

B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements are set forth in the proposed amendments.

C) Types of professional skills necessary for compliance: EMT and medical and nursing specialties as set forth in the rules

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not apparent at that time.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515

EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section
515.100
515.105
515.1125
515.1150
515.160
515.170

Definitions
Incorporated and Referenced Materials
Waiver Provisions
Violations, Hearings and Fines
Employer Responsibility

SUBPART B: EMS REGIONS

Section
515.200
515.210
515.220
515.230

Emergency Medical Services Regions
EMS Regional Plan Development
EMS Regional Plan Content
Resolution of Disputes Concerning the EMS Regional Plan

SUBPART C: EMS SYSTEMS

Section
515.300
515.310
515.315
515.320
515.325
515.330
515.340
515.350
515.360
515.370
515.380
515.390
515.400
515.410
515.420
515.430
515.440
515.445
515.450

Approval of New EMS Systems
Approval and Renewal of EMS Systems
Bypass Status Review
Scope of EMS Service
EMS System Program Plan
EMS Medical Director's Course
Data Collection and Submission
Approval of Additional Drugs and Equipment
Automated Defibrillation
Do Not Resuscitate (DNR) Policy
Minimum Standards for Continuing Operation
General Communications
EMS System Communications
System Participation
Suspensions
Suspension, Revocation and Denial of Licensure of EMTs
State Emergency Medical Services Disciplinary Review Board
Pediatric Care
Complaints

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section
515.500
515.510

Emergency Medical Technician-Basic Training
Emergency Medical Technician-Intermediate Training

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.520 Emergency Medical Technician-Paramedic Training
515.530 EMT Testing and Fees
515.540 EMT Licensure
515.550 Scope of Practice - Licensed EMT
515.560 EMT-B Continuing Education
515.570 EMT-I Continuing Education
515.580 EMT-P Continuing Education
515.590 EMT License Renewals
515.600 EMT Inactive Status
515.610 EMT Reciprocity

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER,
FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE,
EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND
TRAUMA NURSE SPECIALIST

Section
515.700
515.710
515.720
515.725
515.730
515.740
515.750
515.760

EMS Lead Instructor
Emergency Medical Dispatcher
First Responder
First Responder - AED
Pre-Hospital Registered Nurse
Emergency Communications Registered Nurse
Trauma Nurse Specialist
Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section
515.800
515.810
515.820
515.825
515.830

Vehicle Service Provider Licensure
EMS Vehicle System Participation
Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
Alternate Response Vehicle
Ambulance Licensing Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL
SERVICES VEHICLE (SEMSV) PROGRAMS

Section
515.900
515.910
515.920
515.930
515.935
515.940
515.945
515.950
515.955

Licensure of SEMSV Programs - General
Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
SEMSV Program Licensure Requirements for All Vehicles
Helicopter and Fixed-Wing Aircraft Requirements
EMS Pilot Specifications
Aeromedical Crew Member Training Requirements
Aircraft Vehicle Specifications and Operation
Aircraft Medical Equipment and Drugs
Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.960 Aircraft Communications and Dispatch Center
 515.965 Watercraft Requirements
 515.970 Watercraft Vehicle Specifications and Operation
 515.975 Watercraft Medical Equipment and Drugs
 515.980 Watercraft Communications and Dispatch Center
 515.985 Off-Road SEMSV Requirements
 515.990 Off-Road Vehicle Specifications and Operation
 515.995 Off-Road Medical Equipment and Drugs
 515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section
 515.2000 Trauma Center Designation
 515.2010 Denial of Application for Designation or Request for Renewal
 515.2020 Inspection and Revocation of Designation
 515.2030 Level I Trauma Center Designation Criteria
 515.2035 Level I Pediatric Trauma Center
 515.2040 Level II Trauma Center Designation Criteria
 515.2045 Level II Pediatric Trauma Center
 515.2050 Trauma Center Uniform Reporting Requirements
 515.2060 Trauma Patient Evaluation and Transfer
 515.2070 Trauma Center Designation Delegation to Local Health Departments
 515.2080 Trauma Center Confidentiality and Immunity
 515.2090 Trauma Center Fund
 515.2100 Pediatric Care (Renumbered)
 515.2200 Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section
 515.3000 EMS Assistance Fund Administration
 APPENDIX A A Request for Designation (RFD) Trauma Center
 APPENDIX B A Request for Renewal of Trauma Center Designation
 APPENDIX C Minimum Trauma Field Triage Criteria
 APPENDIX D Standing Medical Orders
 APPENDIX E Minimum Prescribed Data Elements
 APPENDIX F Template for In-House Triage for Trauma Centers
 APPENDIX G Credentials of General/Trauma Surgeons Level I and Level II
 APPENDIX H Credentials of Emergency Department Physicians Level I and Level II
 APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II
 APPENDIX J Pediatric Trauma Centers
 APPENDIX K Credentials of Emergency Department Physicians Level I and Level II
 APPENDIX L Level II Pediatric Trauma Centers

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act (210 ICFS 50).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART C: EMS SYSTEMS

Section 515.300 Approval of New EMS Systems

a) ~~Beginning-September-1-1997--the~~ *The Department shall approve the development of a new EMS System only when a Local or Regional need for establishing such System has been identified* (Section 3.20(c)(1) of the Act). The applicant shall submit documentation addressing the following:

- 1) A clear description of its current role and status within the existing System;
- 2) Its rationale for separating from the existing System and developing its own program;
- 3) A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System that it proposes to leave;
- 4) A statement detailing the effect that the proposed change will have on the area's pre-hospital services and patient referral patterns;
- 5) A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System; and
- 6) A letter of support ~~or--denial~~ from the Regional Advisory Committee.

b) In the event of a denial letter from the Regional Advisory Committee, the Department may approve the establishment of a new System ~~approval shall--be~~ based upon any of the following criteria *justifying-a-need for-establishing-a-new-EMS-System*:

- 1) ~~Existence-of-an-uncovered-geographic-area~~
- 2) Unavailability or inaccessibility of primary or continuing education to current providers that participate in the area;
- 3) Discrepancy between inconsistency--of the level of pre-hospital emergency care of the EMS System and with the level of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- provider; or
- 4+) **Recommendation-of-the-Regional-EMS-Advisory-Committee-of-the-need-for-an-additional-EMS-System-and**
- 35) Documentation of extenuating circumstances, to be reviewed by the Department on an individual basis, where a special need exists and/or a special population is not served by an existing EMS System.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.320 Scope of EMS Service

- a) All Basic Life Support (BLS), Intermediate Life Support (ILS), and Advanced Life Support (ALS) services, as defined in the Act, shall be provided through EMS Systems. An individual System shall operate at one or more of those levels of service, as specified in its Program Plan and the Department's letter of approval, using vehicles licensed by the Department pursuant to the Act and this Part.
- b) All pre-hospital, inter-hospital and non-emergency medical care, as defined in the Act, shall be provided through EMS Systems, using the levels of Department licensed or approved personnel required by the Act and this Part.
- c) An EMS System shall designate a Resource Hospital, which shall have the authority and responsibility for the System, through the EMS Medical Director, as described in the Act, this Part and the System Program Plan.
- d) All other hospitals which are located within the geographic boundaries of a System and which have standby, basic or comprehensive level emergency departments must function in that System as either an Associate Hospital or Participating Hospital and follow all System policies specified in the System Program Plan. (Section 3.20(b) of the Act)
- 1) All hospitals shall be ~~that are not already~~ formally affiliated with a System ~~shall do so within sixty days after April 15, 1997~~. A hospital may have a secondary affiliation with another System or may request a waiver to participate in a System other than that in which the hospital is geographically located. (See Section 515.150(d)(5).)
- 2) Every System hospital shall identify the level of its emergency department services in its letter of commitment, which is part of the EMS System Program Plan to be submitted to the Department.
- 3) An "Associate Hospital" shall provide the same clinical and communications services as the Resource Hospital, but shall not have the primary responsibility for personnel training and System operations. It shall have a basic or comprehensive emergency department with 24-hour physician coverage and a functioning intensive care and/or cardiac care unit.
- 4) A "Participating Hospital" may or may not have

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- communications/monitoring capabilities.
- 5) All System hospitals shall agree to replace medical supplies and provide for equipment exchange for System vehicles.
- 6) All System hospitals monitoring telecommunications from EMS field personnel shall provide voice orders either by the EMS Medical Director, a physician appointed by the EMS Medical Director, or an Emergency Communications Registered Nurse (ECRN).
- 7) All System hospitals shall allow the Department, the EMS Medical Director and EMS System Coordinator access to all records, equipment, vehicles and personnel during their activities evaluating the Act and this Part.
- e) The Resource Hospital shall appoint an EMS Medical Director (EMSMD). For an ILS or ALS level EMS System the EMSMD shall be a physician licensed to practice medicine in all of its branches in Illinois, and certified by the American Board of Emergency Medicine or the American Board of Osteopathic Emergency Medicine, and for a BLS level EMS System the EMSMD shall be a physician licensed to practice medicine in all of its branches in Illinois, with regular and frequent involvement in pre-hospital emergency medical services. In addition, all EMSMDs shall:
 - 1) Have experience on an EMS vehicle at the highest level available within the System, or make provision to gain such experience within 12 months prior to the date responsibility for the System is assumed or within 90 days after assuming the position; and
 - 2) Be thoroughly knowledgeable of all skills included in the scope or practices of all levels of EMS personnel within the System; and
 - 3) Have or make provision to gain experience instructing students at a level similar to that of the levels of EMS personnel within the System; and
 - 4) For ILS and ALS EMS Medical Directors, successfully complete a Department-approved EMS Medical Director's Course. (Section 3.20(c)(6) of the Act)
- f) The EMS Medical Director shall appoint an alternate EMS Medical Director and establish a written protocol addressing the functions to be carried out in his or her absence. (Section 3.35(b) of the Act)
- g) An EMS System utilizing Specialized Emergency Medical Service Vehicles (SEMSVs) shall appoint and/or approve the SEMSV Medical Director(s) to manage and direct the use of SEMSVs and their personnel within the System. He or she shall be a physician who has met at least the following qualifications:
 - 1) One or more of the following:
 - A) Certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) through the American Osteopathic Association (AOA); or
 - B) Completion of a residency in emergency or osteopathic emergency medicine as prescribed by one of the above Boards; or
 - C) Completion of a 12-month internship followed by 60 months

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

plus 7,000 hours of hospital based emergency or osteopathic emergency medicine (2,800 of the 7,000 hours must be completed within one 24-month period), and documentation of 50 hours of related continuing education for each complete year of practice; and

- 2) Completion of advanced cardiac life support and advanced trauma life support courses; and
 - 3) For aircraft programs, completion of training covering inflight treatment modalities, altitude physiology, and infection; and
 - 4) For watercraft programs, completion of training covering diving accident physiology and treatment, and drowning in cold, warm, fresh and salt water.
- h) The Resource Hospital shall appoint a full-time EMS System Coordinator, who shall be responsible for coordinating the educational and functional aspects of the System, as described in the Program Plan. He or she shall be a registered professional nurse or EMT-P licensed in the State of Illinois, and meet at least the following qualifications:

- 1) Be trained and knowledgeable in dysrhythmia identification and treatment;
 - 2) Have a diverse background in critical care, and
 - 3) Within one year after being appointed, complete in-field observation and/or participation on at least 10 ambulance runs at the highest level of service provided by the System.
- i) The Resource Hospital shall appoint an EMS Administrative Director, who shall be responsible for administrative operations of the System as described in the Program Plan.
- j) To avoid any conflict of interest, the EMS Medical Director, EMS System Coordinator and EMS Administrative Director shall notify the Department in writing of any association with an ambulance service provider through employment, contract, ownership, or otherwise specifying how he or she is answerable to or directed by such ambulance service provider concerning any matter falling within the scope of the Act or this Part. The Department shall review and address potential or actual conflicts of interest on a case-by-case basis.
- k) The Resource Hospital must identify the EMS System in the facility's budget, with sufficient funds to support the EMS Medical Director, EMS System Coordinator and support staff and to provide for the operation of the EMS System.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.330 EMS System Program Plan

An Emergency Medical Services (EMS) System Program Plan shall contain the following information:

- a) The name, address and fax number of the Resource Hospital;

- b) The names and resumes of the following persons:
 - 1) The EMS Medical Director,
 - 2) The Alternate EMS Medical Director,
 - 3) The EMS Administrative Director,
 - 4) The EMS System Coordinator;
- c) The name, address and fax number of each Associate or Participating Hospital (see subsection (i) of this Section);
- d) The name and address of each ambulance provider participating within the EMS System;
- e) A map of the EMS System's service area indicating the location of all hospitals and ambulance providers participating in the System;
- f) Current letter(s) of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes such as emergency department staffing and educational requirements:

- 1) The Chief Executive Officer of the hospital,
 - 2) The Chief of the Medical Staff, and
 - 3) The Director of the Nursing Services;
- g) A letter of commitment from the EMS Medical Director that describes the EMSMD's agreement to:
- 1) Be responsible for the ongoing education of all System personnel,
 - 2) Including coordinating didactic and clinical experience, standard operating procedures) to be used in the EMSMD's absence and certify that all involved personnel will be knowledgeable in emergency care and capable of providing treatment and using communications equipment once the program is operational;
 - 3) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;
 - 4) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;
 - 5) Ensure that the Department has access to all records, equipment and vehicles under the authority of the EMSMD during any Department inspection, investigation or site survey;
 - 6) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;
 - 7) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;
 - 8) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every EMT-B, EMT-I or EMT-P within the System who has not been recommended for relicensure by the EMS Medical Director; and
 - 9) Be responsible for compliance with the provisions of Sections 515.400 and 515.410 of this Part;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- h) A description of the method(s) of providing EMS services, which includes:
- 1) single vehicle response and transport;
 - 2) dual vehicle response;
 - 3) level of first response vehicle;
 - 4) level of transport vehicle;
 - 5) use of mutual aid agreements; and
 - 6) informing the caller requesting an emergency vehicle of the estimated time of arrival when this information is requested by the caller;
- i) A letter of commitment from each Associate or Participating Hospital within the System that includes the following:
- 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
 - 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its use of the education and continuing education aspects of the program;
 - 3) Only at an Associate Hospital, a commitment to meet the System's educational standards for ECRNs;
 - 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System or other EMS system whose ambulances transport to them;
 - 5) An agreement to use the standard treatment orders as established by the Resource Hospital;
 - 6) An agreement to follow the operational policies and protocols of the System;
 - 7) A description of the level of participation in the training and continuing education of pre-hospital personnel;
 - 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
 - 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;
 - 10) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
 - 11) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized; and
 - 12) The names and resumes of the Associate Hospital EMS Medical Director and Associate Hospital EMS Coordinator;
- j) A letter of commitment from each ambulance provider participating within the System, which indicates compliance with Section 515.810 of this Part;
- k) Descriptions and documentation of each communications requirement provided in Section 515.400 of this Part;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- l) The Program Plan shall consist of the EMS System Manual, which shall be provided to all System participants and shall include the following Sections:
- 1) Education and Training
 - A) Content and curricula of training programs for EMT, Emergency Medical Dispatcher, First Responder, Pre-Hospital RN, ECRN and Lead Instructor candidates, including:
 - i) Entrance and completion requirements;
 - ii) Program schedules;
 - iii) Goals and objectives;
 - iv) Subject areas;
 - v) Didactic requirements, including skills laboratories;
 - vi) Clinical requirements;
 - vii) Testing formats;
 - B) Training program for Prearrival Medical Instructions, if applicable, including:
 - i) Entrance and completion requirements;
 - ii) Description of course materials;
 - iii) Testing formats;
 - C) Continuing education for EMTs, Pre-Hospital RNs, ECRNs, including:
 - i) System requirements (hours, types of programs, etc.);
 - ii) System program for System participants: types of activities covered (e.g., telemetry review, and morbidity and mortality conferences) and protocols for enrollment and completion;
 - iii) Requirements for approval of academic course work;
 - iv) Didactic programs offered by the System;
 - v) Clinical opportunities available within the System;
 - vi) Record-keeping requirements for participants, which must be maintained at the Resource Hospital;
 - D) Renewal Protocols
 - i) System examination requirements for EMTs, Pre-Hospital RNs, ECRNs;
 - ii) Procedures for renewal of Pre-Hospital RN and ECRN approvals;
 - iii) Submission of transaction cards for EMTs meeting renewal requirements;
 - iv) Providing Department renewal application forms to EMTs who have not met renewal requirements according to System records;
 - E) System participant education and information, including:
 - i) Distribution of System Manual amendments;
 - ii) In-services for policy and protocol changes;
 - iii) Methods for communicating updates on System regional activities, and other matters of medical, legal and/or professional interest;
 - iv) Locations of library/resource materials, forms, schedules, etc.;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- F) A plan for phasing in Emergency Medical Dispatcher and First Responder registration requirements over a five-year period for Emergency Medical Dispatchers and First Responders who choose to be included in the Program Plan (see Sections 515.710 and 515.720 of this Part);
- G) A System may require that up to one-half of the continuing education hours that are required toward relicensure, as determined by the Department, be earned through attendance at system-taught courses;
- H) A didactic continuing education course that has received a State site code shall be accepted by the System, subject only to the requirements of subsection (1)(1)(C) of this Section;
- 2) Drugs and Equipment
- A) A list of all drugs and equipment required for each type of System vehicle;
- B) Procedures for obtaining replacements at System hospitals;
- 3) Personnel Requirements for EMTs
- A) Minimum staffing for each type and level of vehicle;
- B) Guidelines for EMT patient interaction;
- 4) In-Field Protocols, including medical-legal policies but not limited to:
- A) The Regional Standing Medical Orders;
- B) System Standing Medical Orders as listed in Section 515-Appendix D;
- C) Appropriate interaction with law enforcement on the scene;
- D) When and how to notify a coroner or medical examiner;
- E) Appropriate interaction with an independent physician/nurse on the scene;
- F) The use of restraints;
- G) Consent for treatment of minors;
- H) Patient choice and refusal regarding treatment, transport, and/or destination;
- I) The duty to perform all services without unlawful discrimination;
- J) Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse;
- K) Patient abandonment;
- L) Emotionally disturbed patients;
- M) Patient confidentiality and release of information;
- N) Durable power of attorney for health care;
- O) Do Not Resuscitate (DNR) orders (see Section 515.380 of this Part); and
- P) A policy concerning the use of latex-free supplies;
- 5) Communications standards and protocols including:
- A) The information contained in the System Program Plan relating to the requirements of Sections 515.410(a)(1), (2), (3) and (4) and 515.390(b) and (g) of this Part;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital;
- C) Protocols ensuring the voice orders via radio and using telemetry shall be given by or under the direction of the EMS Medical Director or the EMSMD's designee, who shall be either an ECRN, or physician; and
- 6) Protocols defining when an ECRN should contact a physician; Quality improvement measures for both adult and pediatric patient care should be performed on a quarterly basis and be available upon Department request; ambulance operation and System training activities, including but not limited to monitoring training activities to ensure that the instructions and materials are consistent with United States Department of Transportation training standards for EMTs and Section 3.50 of the Act; unannounced inspections of pre-hospital services; and peer review;
- 7) Data collection and evaluation methods that include:
- A) The process that will facilitate problem identification, evaluation and monitoring in reference to patient care and/or reporting discrepancies from hospital and pre-hospital providers;
- B) A copy of the pre-hospital reporting form;
- C) A sample of the information and data to be reported to the Department summarizing System activity (see Section 515.350 of this Part);
- 8) Operational policies that delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency service, including:
- A) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);
- B) Infectious disease and disinfection procedures, including the policy on significant exposure;
- C) Reporting and documentation of problems; and
- D) Protocols for ILS/AHS System personnel to assess the condition of a patient being initially treated in the field by BUS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the ILS or AHS personnel is therefore appropriate. Such protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it would appear to jeopardize the patient's condition, and shall require that such activities of the System personnel be done under the immediate direction of the EMS Medical Director or designee;
- 9) Any procedures regarding disciplinary and/or suspension decisions and the review of those decisions that the System has elected to follow in addition to those required by the Act;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 10) Any System policies regarding abuse of controlled substances or conviction of a felony crime by System personnel whether on or off duty;
- 11) The responsibilities of the EMS Coordinator(s), as designated by the EMS Medical Director, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required; and
- 12) The responsibilities of the EMS Medical Director:
- a) A written protocol for the bypassing of or diversion to a hospital, trauma center or Regional trauma center other than the nearest hospital, Regional trauma center or trauma center unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal. (Section 3.20(c)(5) of the Act) The bypass status policy should include a statement that for any life-threatening condition a patient may be transported to the closest facility, whether or not that facility is on bypass status. In addition, a hospital can declare a resource limitation, which is further outlined in the System Plan, for the following conditions:
 - 1) There are no critical or monitored beds available in the hospital; or
 - 2) An internal disaster occurs in the hospital;
 - b) Bypass status may not be honored if three or more hospitals in a geographic area are on bypass status and transport time by an ambulance to the nearest facility exceeds 15 minutes;
 - c) Each hospital shall have a policy addressing peak census procedures, such as the policy developed by the Department.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 515.350 Data Collection and Submission

- a) A run report shall be completed by each vehicle service provider for every emergency pre-hospital or inter-hospital transport and for refusal of care. In addition, a run report shall be completed by all non-transport vehicle service providers to document all medical care rendered.
- b) One copy shall be left with the receiving hospital emergency department, trauma center or health care facility before leaving this facility.
- c) Each Resource Hospital shall designate or approve a single form to be used by all of its vehicle providers. It shall be a form that contains the minimum prescribed data elements listed in Section 515-Appendix E of this Part.
- d) The ambulance provider shall submit the run report data to the Resource Hospital. Each Resource Hospital shall submit a data report

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- to the Department on March 1, June 1, September 1, and December 1 of each year, covering run report data from the preceding quarter. The report shall be in one of the following formats:
- 1) Copies of a scannable run report form, or
 - 2) A data diskette containing the prescribed data elements.
- A) The data elements shall be in a format compatible with the Department's data base input specifications, and
 - B) Department review and approval of data format compatibility is required prior to submission.
- c) When computer technology is available, each Resource Hospital shall develop and implement a mechanism for linking pre-hospital and inter-hospital run reports with emergency department, trauma center and admission records from the hospitals that receive emergency patients within the System. This mechanism shall facilitate tracking of case outcomes for purposes of internal quality control, medical study and improvement of both adult and pediatric patients.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 515.450 Complaints

- a) "Complaint" means any report describing a problem with the care and treatment of a patient provided by EMS personnel or providers licensed by the Department, or by a resource hospital or trauma center designated by the Department, that violates the requirements of the Act or this Part.
- b) A complaint may be submitted by means of a telephone call, letter, office visit or fax.
- c) All medical complaints shall be submitted to the Department's Central Complaint Registry or to the EMS Medical Director (EMSD). If the complaint involves a trauma patient, the complaint shall also be submitted to the Trauma Center Medical Director along with the EMSMD. Complaints received by the EMSMD shall be forwarded to the Department's Central Complaint Registry within five working days after receipt of the complaint. Complaints received by the Department shall be forwarded to the EMSMD.
- d) Upon receipt of a complaint, the Department will determine, based on the information submitted, whether the Act or this Part has been or is being violated.
- e) The Department shall conduct an investigation jointly with the EMSMD if the complaint alleges action or conditions that could result in a denial, nonrenewal, suspension or revocation of licensure or designation. If the complaint alleges a violation of another provision of the Act or this Part, the Department shall forward the complaint to the EMSMD for review and investigation.
- f) The EMSMD shall forward the results of the review and investigation of a complaint and any disciplinary action resulting from a complaint to the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- g) The allegations shall be provided to the EMT, provider, trauma center or resource hospital at the time of the Department's or EMSMD's investigation.
- h) The Department and EMSMD shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure, or unless disclosure is essential to the investigation.
- i) The Department shall have final authority in the disposition of a complaint. Complaints shall be classified as "valid", "invalid", or "undetermined".
- j) The Department shall inform the complainant of its findings within 10 days after its determination.
- k) The EMS System shall have a policy in place requiring compliance with this Section.
- l) Nothing in this Section shall limit the EMSMD from suspending an EMT or other provider from participation within the System pending investigation, in accordance with Section 3.40(c) of the Act and Sections 515.420 and 515.820 of this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 515.510 Emergency Medical Technician-Intermediate Training

- a) An EMT-I training program shall be conducted only by an EMS System or a community college under the direction of the EMS System.
- b) Applications for approval of EMT-I Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of training program, and names and signatures of the EMS Medical Director and EMS System Coordinator.
- c) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days in advance of the first scheduled class.
- d) The EMS Medical Director of the EMS System shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. Minimum sections shall include #1 through #8.
- e) The EMT-I training program shall be under the direction of the EMS Medical Director and the EMS System Coordinator.
- f) The EMS System shall designate an EMS Lead Instructor, who shall be approved by the Department based on the requirements of Section 515.700.
- g) The EMS Lead Instructor shall be an EMT-I, an EMT-P, a Registered Nurse or a physician and shall have four years of experience in emergency care as a provider and two years of teaching experience in a classroom setting.
- h) Any change excluding an emergency change (e.g., weather or instructor illness) in the EMT-I training program's EMS Medical Director, EMS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- System Coordinator and/or EMS Lead Instructor shall require an amendment to be filed with the Department.
- i) A candidate for an EMT-I training program must have a current Illinois EMT-B license.
- j) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience.
- k) Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.
- l) After an EMT-I candidate has completed and passed all components of the training program, and passed the Department's exam or the National Registry examination, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that individual.
- m) All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.530 EMT Testing and Fees

- a) All EMT-B candidates shall hold a high school diploma or high school equivalency certificate and be 18 years of age or older to be tested for licensure.
- b) After completion of an approved training program, candidates shall take a written examination. EMT-B and EMT-P candidates ~~who~~ **the candidate** shall have the choice of taking either the National Registry of Emergency Medical Technicians examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.
- c) The Department or designee shall administer the State written examination for EMT-B and EMT-P and EMT-P licensure and for EMT-I licensure when the State examination is available. Candidates who elect to take the National Registry of Emergency Medical Technicians examination in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.
- d) A failure rate per class of 25 percent or greater on the licensure examination shall require that the particular training program be reevaluated by the Department at least 60 days before the start of the next class.
- e) The candidate shall retake the training program if he/she fails to achieve a passing grade on three successive examinations within 12 months after sitting for the examination for the first time.
- f) When a candidate elects to take the State examination or the National

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Registry's examination, the candidate must pass that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.

- g) A candidate making application for the Department's written examination for licensure shall include a certified check or money order made payable to the Department (personal checks or cash will not be accepted) for:

- 1) EMT-B examination - \$20; or
- 2) EMT-P examination - \$30; or
- 3) EMT-B examination - \$40.

- h) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in the forfeiture of the examination fee.

- i) If a candidate does not achieve a passing grade on the written examination, the fee for the retest is the same as for initial examination.

- j) All fees submitted for licensure examinations are not refundable.

- k) Fees paid to the Department for testing shall be returned to the Resource Hospital serving the System in which the candidate trained.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.540 EMT Licensure

- a) To be licensed by the Department as an EMT-B, an individual must: ~~1) pass Pass~~ either the National Registry of Emergency Medical Technicians examination or the Department's EMT-B examination with a score of at least 70 percent.

- 2) ~~be functioning within a State-approved EMT-B System providing basic life support services, as verified by that System's EMT-B Medical Director.~~

- b) To be licensed by the Department as an EMT-P, an individual must: ~~1) pass Pass~~ either the National Registry of Emergency Medical Technicians examination or the Department's EMT-P examination with a score of at least 70 percent.

- 2) ~~be functioning within a State-approved EMT-P System providing intermediate life support services, as verified by that System's EMT-P Medical Director.~~

- c) To be licensed by the Department as an EMT-P, an individual must: ~~1) pass Pass~~ either the National Registry of Emergency Medical Technicians examination or the Department's EMT-P examination with a score of at least 70 percent.

- 2) ~~be functioning within a State-approved EMT-P System providing advanced life support services, as verified by that System's EMT-P Medical Director.~~

- d) An EMT license will specify the level of licensure, i.e., EMT-B, EMT-P, OR EMT-P, and will be effective for a period of four years.

- e) An EMT shall notify the Department within 30 days after any change in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

name or address.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART B: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section 515.730 Pre-Hospital Registered Nurse

- a) To be approved as a Pre-Hospital RN, an individual shall:

- 1) be a registered nurse in accordance with the ~~Illinois~~ Nursing and Advanced Practice Nursing Act ~~of 1997~~;

- 2) Complete an education curriculum formulated by an EMS System and approved by the Department, which consists of at least 24 hours of classroom and practical training, including extrication, telecommunications, and pre-hospital cardiac and trauma care of both the adult and pediatric population (Section 3.80(c)(1)(A) of the Act);

- 3) Complete a minimum of 10 ALS runs supervised by a licensed physician, an approved Pre-Hospital RN or an EMT, only as authorized by the EMS Medical Director; and

- 4) Complete the Pre-Hospital RN application form as prescribed by the Department.

- b) The EMS Medical Director shall approve individuals meeting subsection (a) of this Section as a Pre-Hospital RN for four years.

- c) The EMS Medical Director shall reapprove Pre-Hospital RNs every four years if the Pre-Hospital RN:

- 1) is a registered nurse in accordance with the Illinois Nursing Act of 1987; and
- 2) Has completed 120 hours of continuing education, the content of which shall be consistent with the System's continuing education requirements for EMT-Ps; and

- 3) Has a current CPR completion card that covers:

- A) Adult one-rescuer CPR,
- B) Adult foreign body airway obstruction management,
- C) Pediatric one-rescuer CPR,
- D) Pediatric foreign body airway obstruction management, and
- E) Adult two-rescuer CPR.

- d) ~~All existing Registered Professional Nurses/Field RNs on duty 1-1-1997 shall be considered Pre-Hospital Registered Nurses if they submit a Pre-Hospital RN application form to the EMS Medical Director by July 1, 1997.~~ (Section 3.80(b) of the Act)

- e) Inactive Status

- 1) Prior to the expiration of the current approval, a Pre-Hospital RN may request to be placed on inactive status. The request

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

shall be made in writing to the EMS Medical Director and shall contain the following information:

- A) Name of individual,
 - B) Date of approval,
 - C) Circumstances requiring inactive status, and
 - D) A statement that recertification requirements have been met by the date of the application for inactive status.
- 2) The EMS Medical Director will review and grant or deny requests for inactive status.
 - 3) For the Pre-Hospital RN to return to active status, the EMS Medical Director must document that the Pre-Hospital RN has been examined (physically and mentally) and found capable of functioning within the EMS System, that the Pre-Hospital RN's knowledge and clinical skills are at the active Pre-Hospital RN level, and that the Pre-Hospital RN has completed any refresher training deemed necessary by the EMS system. If the inactive status was based on a temporary disability, the EMSMD shall also verify that the disability has ceased.
 - 4) During inactive status, the individual shall not function as a Pre-Hospital RN.
 - 5) The EMS Medical Director shall notify the Department in writing of Pre-Hospital RN's approval, reapproval, or granting or denying inactive status within 10 days after any change in a Pre-Hospital RN's approval status.
 - e) A Pre-Hospital RN shall notify the Department within 30 days after an change in name or address.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.740 Emergency Communications Registered Nurse

- a) To be approved as an ECRN, an individual shall:
 - 1) Be a registered nurse in accordance with the Illinois Nursing and Advanced Practice Nursing Act of 1987;
 - 2) Complete an education curriculum formulated by an EMS System and approved by the Department, which consists of at least 40 hours of classroom and practical training for both the adult and pediatric population, including telecommunications, system standing medical orders and the procedures and protocols established by the EMS Medical Director (Section 3.80(c)(1)(B) of the Act);
 - 3) Complete eight hours of field experience supervised by an EMT, only as authorized by the EMS Medical Director; and
 - 4) Complete the ECRN application form as prescribed by the Department.
- b) The EMS Medical Director shall approve individuals meeting subsection (a) of this Section as an ECRN for four years.
- c) The EMS Medical Director shall reapprove ECRNs every four years if the

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ECRN:
- 1) Is a registered nurse in accordance with the Illinois Nursing Act of 1987; and
 - 2) Has completed 32 hours of continuing education in a four-year period.
- d) ~~All-existing-Registered-Professional-Nurses-MIGs on-duty--19--1995- shall-be-considered-Emergency-Communications-Registered-Nurses-(ECRN)- if-they-submit-an-ECRN-application-form-to-the-EMS-Medical-Director-by-duty-1-1997---(Section-3.80(f)-of-the-Act)~~

g) Inactive Status

- 1) Prior to the expiration of the current approval, the ECRN may request to be placed on inactive status. The request shall be made in writing to the EMS Medical Director and shall contain the following information:
 - A) Name of individual,
 - B) Date of approval,
 - C) Circumstances requiring inactive status,
 - D) A statement that recertification requirements have been met by the date of the application for inactive status.
- 2) The EMS Medical Director will review and grant or deny requests for inactive status.
- 3) For the ECRN to return to active status, the EMS Medical Director must document that the ECRN has been examined (physically and mentally) and found capable of functioning within the EMS System, that the ECRN's knowledge and clinical skills are at the active ECRN level, and that the ECRN has completed any refresher training deemed necessary by the EMS System. If the inactive status was based on a temporary disability, the EMS System shall also verify that the disability has ceased.
- 4) During inactive status, the individual shall not function as an ECRN at any level.
- 5) The EMS Medical Director shall notify the Department in writing of the ECRN's approval, reapproval, or granting or denying inactive status within 10 days after any change in an ECRN's approval status.
- e) An ECRN shall notify the Department within 30 days after any change in name or address.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.750 Trauma Nurse Specialist

- a) Trauma Nurse Specialist (TNS) Training Sites
 - 1) Trauma Nurse Specialist courses shall be conducted only at hospitals that have been designated by the Department as TNS Training Sites.
 - 2) The Department shall designate TNS Training Sites based upon Regional needs for course availability, the trauma educational

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

and clinical capabilities of interested hospitals, prior Department approval of a hospital as a TNS Training Site, and participation in an EMS System.

- 3) Any hospital seeking designation as a TNS Training Site must submit a Trauma Nurse Specialist Program Plan on a form provided by the Department.

- 4) The Chief Executive Officer of the hospital designated as a TNS Training Site shall appoint, and endorse in writing to the Department, a Trauma Nurse Specialist Course Coordinator (TNSCC) to plan, coordinate, implement and evaluate the TNS course and TNS program activities, who meets the following requirements:

A) Is a registered professional nurse licensed under the Illinois Nursing and Advanced Practice Nursing Act of 1997;

B) Is employed by the TNS Training Site;

C) Has at least three years of experience as a registered professional nurse in an emergency department or critical care setting in a trauma center;

D) Holds a Certificate of TNS course Completion issued by the Department or its equivalent as provided in this Section; and

E) Has a minimum of 50 hours of teaching experience in emergency/critical care nursing courses.

- b) The TNSCC shall admit to the TNS course only those individuals who have met the following requirements:

1) Are currently licensed as a registered nurse in the state in which they are practicing, as verified by the submission of a photocopy of the official document showing the license number and expiration date; and

2) Have at least one year of experience as a registered professional nurse.

- c) The TNS course shall include at least 80 hours of didactic sessions. The course content shall include but not be limited to the following topics:

- 1) EMS/Trauma System concepts,
- 2) Stabilization and transportation of the critically ill or injured,
- 3) Assessment and management of the traumatized patient,
- 4) Maxillofacial trauma,
- 5) Ocular trauma,
- 6) Neurological, respiratory and cardiac anatomy, physiology and assessment,
- 7) Head trauma,
- 8) Spinal trauma,
- 9) Cardiopulmonary trauma,
- 10) Adjuncts for airway control and ventilation,
- 11) Acid base-balance and Arterial Blood Gases (ABGs),
- 12) Abdominal trauma,
- 13) Genitourinary trauma,
- 14) Trauma in pregnancy,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 15) Musculoskeletal/vascular/surface trauma,
- 16) Thermal trauma,
- 17) Fluid and electrolytes,
- 18) Pathogenesis of shock syndrome,
- 19) Pediatric trauma,
- 20) Family violence,
- 21) Organ procurement,
- 22) Legal issues,
- 23) Kinematics,
- 24) Hypothermia,
- 25) Trauma in the elderly, and
- 26) Complications of trauma.

d) The TNS course shall include eight hours of supervised observational experience from among the following areas:

- 1) Pre-hospital;
- 2) Critical care; or
- 3) Emergency Department.

e) Testing

1) A written pre-test consisting of a minimum of 100 multiple choice questions developed by the TNSCC and approved by the Department shall be administered on the first day of class. The TNSCC shall develop the questions based upon the topic outlines and objectives of the curriculum.

2) A practical examination shall be administered at the conclusion of the didactic sessions and clinical experience. The practical examination shall consist of a simulated trauma patient assessment station at which the student will evaluate and stabilize a simulated critically injured patient.

A) The student shall have a maximum of ten minutes to evaluate and stabilize the patient.

B) The student shall be rated on Primary Patient Assessment, Secondary Patient Assessment, Management, Stabilization, and Supervision and Leadership, in accordance with the Trauma Nurse Specialist Course Practical Examination Grading Form developed and provided by the Department along with the TNSCC.

C) A student who receives a failing grade on the practical examination shall be given one opportunity to repeat the practical examination. A failing grade is defined as failure to attain at least 80 percent overall and/or failure to pass all lifesaving techniques asterisked on the Clinical Examination Grading Form.

3) A student who has successfully completed the didactic sessions and clinical experience shall be eligible to take the final written examination. This final examination shall consist of 150 multiple choice questions developed by the TNSCC using the objectives and topics of the TNS curriculum and approved by the Department. A score of 80 percent or above shall be a passing grade.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) A student shall be given one opportunity to retake the final written examination within ten days after the original examination date.
- B) The TNSCC shall extend the ten day retake period on an individual basis for reasons of a death in the student's family, or illness or injury to the student or student's family.
- 4) Each TNS course site shall offer practical and final written examinations based upon regional needs.
- 5) Any individual who has met the admission requirements provided in subsection (b) of this Section has the option of taking the TNS Practical Examination and final written examination without having completed the didactic sessions or clinical experience. The individual must file a request for this testing option with the TNS Training Site at least 30 days prior to the scheduled practical examinations.
- f) Certification as a TNS
- 1) A student may apply to the Department for certification by submitting:
 - A) Documentation provided by the TNSCC of receiving a passing score on the final written examination and the practical examination;
 - B) A fee of \$25.00 in the form of a certified check or money order made payable to the Department (personal checks or cash will not be accepted); and
 - C) A completed TNS Certification Application form.
 - 2) Certification is effective for four years.
 - 3) After initial certification, a TNS may apply for recertification by submitting the following at least 40 days before certification expiration:
 - A) TNS Certification/Recertification Application;
 - B) Verification of successful completion of the examination; or
 - C) Documentation of any 40 hours of continuing education every two years, which may include hours required for ECRN certification, and which must include any of the following:
 - i) Trauma nursing seminars;
 - ii) Emergency/periooperative critical care nursing seminars relating to trauma management;
 - iii) Teaching of trauma or emergency nursing classes;
 - iv) Basic Trauma Life Support (BTLS), pre-hospital Trauma Life Support (PHTLS), Pediatric Advanced Life Support (PALS) or Trauma Nurse Core Curriculum (TNCC);
 - v) Other topics/offering approved by the Department and the TNSCC;
 - D) The recertification candidate is responsible for his/her record keeping and submission of continuing education documentation.

g) TNS Recertification

h) All persons certified as Trauma Nurse Specialists--on--April--15

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1997--shall--be--considered--Trauma-Nurse-Specialists--meeting--the--requirements--of--this--Part
- 12) Initial recertification will occur by Region beginning in 1999.
 - 23) Standardized renewal dates will be assigned per Region by the TNSCC.
 - 24) The TNS final written examination will be used for initial certification.
 - 45) A TNS certification will be effective for four years.
 - 56) The certificate of a TNS who has failed to file an application for recertification shall terminate on the day following the expiration date shown on the certificate.
- h) A Department-issued certificate of completion for a Department-sponsored Trauma Nurse Specialist course completed prior to the adoption of this Section shall be recognized as equivalent to the Certificate of TNS Course Completion issued pursuant to this Part.
- i) Inactive Status
- 1) Prior to the expiration of the current certification, a TNS may request to be placed on inactive status. The request shall be in writing, on a form prescribed by the Department, and shall contain the following information:
 - A) Name of individual,
 - B) Date of certification,
 - C) Circumstances requiring inactive status, and
 - D) A statement that recertification requirements have been met by the date of the application for inactive status.
 - 2) The Department will review requests for inactive status. The Department shall notify the individual TNS in writing of its decision based on subsection (i)(1) of this Section.
 - 3) For the TNS to return to active status, the application must be in writing and include a statement that the TNS's knowledge and clinical skills are at the active TNS level, and that the TNS has completed any refresher training deemed necessary by the respective TNSCC.
 - 4) During inactive status, the individual shall not function as a TNS.
 - j) A TNS whose certification has expired may, within 60 days after certification expiration, submit all recertification material as required in this Section and a fee of \$25.00 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the TNS, the Department will recertify the TNS.
 - k) A TNS shall notify the Department within 30 days after any change in name or address.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.430 Ambulance Licensing Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) Vehicle Design

- 1) Each new vehicle used as an ambulance after April 15, 1997 shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822D), with the exception of Section 3.16.2, Color, Paint and Finish.
- 2) A licensed vehicle shall be exempt from subsequent vehicle design standards or specifications required by the Department in this Part, as long as said vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until said vehicle's title of ownership is transferred. (Section 3.85(b)(8) of the Act)
- 3) The following requirements listed in Specification KKK-A-1822D shall be considered mandatory in Illinois even though they are listed as optional in that publication:
 - A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).
 - B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).
 - C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).
 - D) 3.15.4M3 Electric clock with sweep second hand will be provided.

4) ~~Any "End-Stop" device may be placed at the forward edge of the squad bench to prevent the secondary patient from forward motion due to severe braking or in a frontal impact accident when a long backboard is used--this device can be fixed or removable~~

- b) Equipment Requirements - Basic Life Support Vehicles
Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:
 - 1) Stretchers, Cots, and Litters
 - A) Primary Patient Cot
Must meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822D.
 - B) Secondary Patient Stretcher
Must meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822D.

- 2) Oxygen, portable
Must meet the operational requirements of section 3.12.2 of KKK-A-1822-D.
- 3) Suction, portable
A) Must meet the operational requirements of section 3.12.4 of KKK-A-1822D.
B) A manually operated suction device is acceptable if approved by the Department.

- 4) Medical Equipment
A) Squeeze bag-valve-mask ventilation unit w/lt. adult size transparent mask and child size bag-valve-mask ventilation unit with child and infant size transparent masks
B) Lower-extremity traction splint, adult and pediatric sizes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) Blood pressure cuff, one each, adult, child and infant sizes and gauge
- D) Stethoscopes, two each
- E) Pneumatic counterpressure trouser kit, adult size, optional.
- F) Long spine board with three sets of torso straps, 72" x 16" minimum
- G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one each chin and head strap or equivalent vest type (wrap around) extrication device optional
- H) Airway, oropharyngeal - adult, child, and infant sizes
- I) Airway, nasopharyngeal with lubrication, sizes 12-30F
- J) Bandage shears, one each
- K) Extremity splints, adult, two each long and short
- L) Extremity splint, pediatric, two each long and short
- M) Rigid cervical collars - one each, pediatric, small, medium, and large sizes. Shall be made of rigid material to minimize flexation, extension, and lateral rotation of the head and cervical spine when spine injury is suspected
- N) Patient restraints, arm and leg, sets
- 5) Medical Supplies
 - A) Trauma dressing - six each
 - B) Sterile gauze pads - 20 each, 4 inches by 4 inches
 - C) Bandages, soft roller, self-adhering type, ten each, 4 inches by 5 yards
 - D) Vaseline gauze - two each, 3 inches by 8 inches
 - E) Adhesive tape rolls - two each
 - F) Triangular bandages or slings - five each
 - G) Burn sheets - two each, clean, individually wrapped
 - H) Sterile solution (normal saline) - four each, 500 cc or two each, 1,000 cc plastic bottles or bags
 - I) Aluminum foil roll or Silver Swaddler - one each with head cover
 - J) Obstetrical kit, sterile - one each, pre-packaged with instruments
 - K) Cold packs, three each
 - L) Hot packs, three each, optional
 - M) Emesis basin - one each
 - N) Drinking water - 1 quart, in nonbreakable container; sterile water may be substituted
 - O) Ambulance emergency run reports - ten each, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515:Appendix B of this Part
 - P) Pillows - two each, for ambulance cot
 - Q) Pillowcases - two each, for ambulance cot
 - R) Sheets - two each, for ambulance cot
 - S) Blankets - two each, for ambulance cot
 - T) CPR mask - one each, with safety valve to prevent backflow of expired air and secretions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- U) Urinal
- V) Bedpan
- X) Remains bag, optional
- Y) Nonporous disposable gloves
- Z) Impermeable red biohazard-labeled isolation bag
- aa) Face protection through any combination of masks and/or eye protection and/or field shields
- AA) Suction catheters - sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three each tonsil tip semi-rigid pharyngeal suction tip catheters; all must have a thumb suction control port
- BB) Child/infant car seat
- CC) Equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart
- DD) Poison Control Resource Phone Number
- EE) Plastic baby bottle with nipple for glucose feeding
- FF) Flashlight, one each, for patient assessment
- GG) One each adult, child and neonate sized oxygen masks that are semi-open, valveless, transparent and disposable
- HH) Three each nasal cannulas
- c) Equipment Requirements - Intermediate and Advanced Life Support Vehicles
- Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) of this Section and shall also comply with the equipment and supply requirements as determined by the EMS Medical Director in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages.
- d) Equipment Requirements - Rescue and/or Extrication
- The following equipment will be carried on the ambulance, unless it is routinely accompanied by a rescue vehicle:
- 1) Wrecking bar, 24"
 - 2) Goggles for eye safety
 - 3) Flashlight - one each, portable, battery operated
 - 4) Fire Extinguisher - 2 each, ABC dry chemical, minimum 5 pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment
- e) Equipment Requirements - Communications Capability
- Each ambulance must have ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400 of this Part.
- f) Personnel Requirements
- 1) Each ambulance shall be staffed by a minimum of two EMTs, Pre-Hospital RNs or physicians on all emergency calls.
 - 2) Each Basic Life Support vehicle using automated defibrillation shall be staffed by a minimum of one EMT-B approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.
 - 3) Each ambulance used as an Intermediate Life Support vehicle shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- be staffed by a minimum of one EMT-I, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ILS vehicle using automated defibrillation shall be staffed by a minimum of one EMT-I approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one EMT-P, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.
- 4) Each ambulance provider that operates an emergency transport vehicle shall ensure through written agreement with the EMS System that the agency providing emergency care at the scene and enroute to a hospital meets the requirements of this Subpart.
- g) Operational Requirements
- 1) Any operation of an ambulance while transporting a patient to a hospital shall be done in accordance with the requirements of the Act and this Part.
 - 2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required below, each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS or BLS vehicle can be used to provide coverage at either an ALS or BLS level, and such coverage will meet the requirements of this Section.
- A) At the time of application for initial or renewal licensure, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.
- i) A current roster shall also be submitted, which lists the EMTs, Pre-Hospital RNs and/or physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, and daytime telephone number, and shall state whether such person is generally scheduled to be on site or on call.
 - ii) An actual or proposed four-week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.
- B) Licensees shall be required to obtain the EMS Medical Director's approval of their vehicles' hours of operation prior to submission to the Department. An EMS Medical Director may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.
- C) A licensee that advertises its service as operating a specific number of vehicles or more than one vehicle shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

state in such advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day.

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Section 515-Appendix E.

4) A licensee shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for such service.

5) A licensee shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h) of this Part.)

6) A licensee shall operate its ambulance at a level not exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless such vehicle is operated pursuant to an EMS System-approved in-field service level upgrade.

7) The Department shall relicense ambulances each year. If the licensee has attained 90 percent compliance with the requirements of this Section on inspections for the five years immediately preceding July 1, 1999 and has no substantiated complaints against it, the Department shall inspect the licensee's ambulances in alternate years, and the licensee shall self-inspect its ambulances in the other years. The Department's inspection form shall be used for self-inspection by the licensee.

h) A licensee may use a replacement vehicle for up to ten days without a Department inspection provided that the Department is notified of the use of the vehicle by the second working day.

AGENCY NOTE: Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART H: TRAUMA CENTERS

Section 515.2030 Level I Trauma Center Designation Criteria

a) Level I Trauma Centers, under the direction of Level I Trauma Center Medical Directors, shall be responsible for coordinating and managing trauma care in the EMS Region. This responsibility includes obtaining the cooperation of all Level II Trauma Centers, Participating Hospitals, and EMS Systems in the EMS Region. A Level I Trauma Center Medical Director shall be the chairperson of the Regional Trauma Advisory Committee.

b) The Trauma Center Medical Director shall be a trauma surgeon, board

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

certified in surgery, with at least two years of post-residency experience in trauma care and with 24-hour independent operating privileges.

c) The trauma center shall provide a trauma service, separate from the general surgery service, that is an identified hospital service functioning under the designated director and staffed by trauma surgeons with one year of experience in trauma, and who are available in-house 24 hours a day for immediate response.

1) Trauma surgeons shall have 10 hours of trauma-related CME every two years.

2) The trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training with independent operating room privileges and who have current Advanced Trauma Life Support (ATLS) verification. A physician with current completion of ATLS must be present 24 hours a day in the Level I trauma center to treat the Category I trauma patient.

3) If the resident is fulfilling the trauma surgeon requirement, the attending physician must be consulted within 30 minutes after the patient's being classified as Category I or II.

4) If the resident is fulfilling the trauma surgeon requirement, it is mandatory that an attending be present for patients undergoing operative procedures by the time the surgery begins ~~30 minutes~~ **after the decision-to-operate is made.**

5) The trauma surgeon, resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after Emergency Department (ED) arrival.

6) The hospital's quality improvement program shall monitor compliance with this subsection (c).

7) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) of this Section. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement. The subspecialist is to arrive within the designated time listed in subsection (d) after notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention.

d) The trauma center shall have the following surgical services within the designated times listed below:

1) On call to arrive at the hospital to treat the patient within 30 minutes after notification that their services are needed at the hospital:

A) Cardiothoracic: this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

experience in cardiothoracic surgery for lifesaving procedures; the surgeon must have cardiothoracic privileges;
 B) Obstetrics; and
 C) Pediatric surgery as designated by Section 515.2035 of this Part or by transfer agreement.

- 2) On call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed at the hospital:

- A) Orthopedic;
- B) Vascular;
- C) Ophthalmologic;
- D) Oral-Dental;
- E) Otorhinolaryngologic;
- F) Plastic/maxillofacial;
- G) Urologic;
- H) Reimplantation service, or a transfer agreement; and
- I) Neurosurgical. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention.

- 3) Twenty-four hours a day, or a transfer agreement:

- A) Burn center staffed by Registered Nurses trained in burn care; and
- B) Acute spinal cord injury management.

- e) The trauma center shall provide the following nonsurgical services within the designated times:

- 1) Emergency Medicine staffed 24 hours a day in the ED by:

- A) A physician who has competency in trauma as demonstrated by:
 - i) Board certification or board eligibility by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) of the American Osteopathic Association (AOA); and
 - ii) Ten hours per year of American Medical Association (AMA)-approved Category I or II trauma-related CME; or

- B) A physician who was working in the emergency department of a trauma center prior to 03-01 January 1, 2000, and who had completed 12 months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2800 hours within one 24-month period), and CME totaling 50 hours, 10 of which are trauma related, for each post-internship year in which the physician completed any hospital-based Emergency Medicine hours.

- 2) Anesthesiology Services:

- A) The anesthesiology service or department shall be supervised by anesthesiologists. "Supervise", for the purposes of this subsection, means to manage, control and direct the services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

performed, including being present in the trauma center and immediately available for consultation while the services are being performed.

- B) Anesthesiology services shall be available 24 hours a day in-house.

- C) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA) acting under the direct supervision of an anesthesiologist.

- 3) Radiology staffed by:

- A) A technician with the ability to perform a computerized axial tomography (CAT) scan in-house, 24 hours a day.

- B) A radiologist with the ability to read CAT scans and perform angiography available within 30 minutes. This requirement may be met by a Post Graduate Year (PGY) II radiology resident with six months experience in CAT and angiography. Tele-radiographic equipment may be used to transmit CAT scans to radiologists off site in lieu of the radiologists' response to the trauma center to read CAT scans. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography.

- 4) Intensive Care Medicine Unit (ICU) having available 24 hours a day in-house:

- A) A physician credentialed by the hospital. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;
- B) One registered professional nurse ~~Registered-Professional Nurse~~ per shift who is a TNS with one year ~~two-years~~ of ICU or critical care experience with ~~and~~ four hours of continuing ~~trauma-related~~ critical care education per year; and

- C) The following equipment:

- i) Airway control and ventilation devices;
- ii) Oxygen source with concentration controls;
- iii) Cardiac emergency cart;
- iv) Electrocardiograph-oscilloscope-defibrillator;
- v) Cardiac output monitoring;
- vi) Electronic pressure monitoring;
- vii) Mechanical ventilator-respirators;
- viii) Pulmonary function measuring devices, i.e., pulse oximeter and CO[2] monitoring;
- ix) Temperature control devices;
- x) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.1050, 250.2140, and 250.2710;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- x1) Intracranial pressure monitoring devices; and
 xii) Intra-aortic balloon pump capability.
- 5) Laboratory 24 hours a day in-house, providing the following:
 A) Standard analysis of blood, urine, and other body fluids;
 B) Blood typing and cross-matching;
 C) Coagulation studies;
 D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.620);
 E) Blood gases and pH determinations;
 F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 G) Drug and alcohol screening.
- 6) Cardiology -- 60 minutes.
 7) Internal Medicine -- 60 minutes.
 8) Neurology----60 minutes.
 8a) Pediatrics -- 60 minutes.
 9a) Postanesthetic recovery capabilities 24 hours a day (may be fulfilled by ICU).

10a) Acute hemodialysis capability 24 hours a day.

- 11) The trauma center shall demonstrate an ongoing relationship with its designated organ procurement agency (OPA).

f) The trauma center shall meet the following professional staff requirements:

- 1) The ED Director shall be a physician board certified by the ABEM or certified by the AOBEM of the AOA;
 2) Each shift in the ED will be staffed by at least one Registered Nurse who has completed a Trauma Nurse Specialist (TNS) Course and is currently recognized in good standing as specified in Section 515-750 of this Part. The TNS will serve as a resource to the registered nurses caring for the Category I and Category II trauma patients. The registered nurse caring for the trauma patient shall have a minimum of a current TNS certification or a current Trauma Nurse Core Curriculum (TNCC) certification. For multiple trauma admission into the ED, the nurse taking care of those additional trauma patients must have a minimum of four hours of trauma-related CME. A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current Trauma Nurse Core Curriculum (TNCC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained unless a minimum of two TNS-trained RNs are on duty per shift;
 3) Full-time Trauma Coordinator shall be dedicated solely to the Trauma Program;
 4) An operating room shall be staffed in-house and available 24 hours a day; and
 5) Staff shall include occupational therapy, speech therapy,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- g) The trauma center shall provide and maintain the following equipment:
 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, pulse oximetry and CO[2] monitoring;
 2) Suction devices and equipment (pulmonary and gastric);
 3) Electrocardiograph-oscilloscope-defibrillator;
 4) Apparatus to establish central venous pressure monitoring;
 5) All standard intravenous fluids and administration devices;
 6) Sterile surgical instruments or sets for emergency care, such as cricothyrotomy, tracheostomy, thoracotomy, thoracoscopy, cut down, peritoneal lavage, and intraosseous;
 7) Drugs and supplies necessary for emergency care;
 8) X-ray and CAT scan capability;
 9) Spinal immobilization equipment;
 10) Temporary pacemaker;
 11) Temperature control device; and
 12) Specialized pediatric resuscitation cart with measuring device in the emergency area.
- AGENCY NOTE: Broselow (TM) Pediatric Tape will meet the requirement.
- h) The trauma center must have helicopter landing capabilities approved by State and Federal authorities. (Section 3.95(i) of the Act) The helicopter landing capabilities shall:
 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14, specifically 14-790, 14-792, and 14-795);
 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 207 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D;
 3) Be provided on the campus of the trauma center; and
 4) Out-of-state trauma centers are exempt from this subsection but must provide proof of compliance with their state's rules that govern aviation safety.
- i) The trauma center shall perform focused outcome analyses of its trauma services on a quarterly basis, and shall provide on site or upon request all minutes related to these reviews to the Department. The analyses shall consist of at least:
 1) Review of all patient deaths, excluding dead on arrival (DOA). Patients must be assigned a status of non-preventable death, potentially preventable death, preventable death, or cannot be determined, using the American College of Surgeons "Performance Improvement" (Chapter 16, from "Resources for Optimal Care of the Injured Patient, 1999"). Factors contributing to the death must be included in the review. A cumulative report of these findings should be kept on site and available to the Department upon request.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Review of all morbidities. A morbidity is a negative outcome that is the result of the original trauma and/or treatment rendered or omitted. Factors contributing to the morbidity must be included in the review. A cumulative report of these findings must be presented quarterly to the Region.
- 3) Review of audit filters. An audit filter is a clinical and/or internal resource indicator used to examine the process of care and to identify potential patient care and/or internal resource problems.
- 4) All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to the Act or by an EMSMD or his designee of medical care rendered by system personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure. (Section 3.110(a) of the Act)
- 5) Every two years the trauma center shall provide written protocols with the redesignation packet, which shall include the following:
 - 1) Policies for treating patients in the Level I Trauma Center, which include Trauma Category I and Trauma Category II criteria as required in Section 515.220, Appendices C and F of this Part;
 - 2) Clinical protocols for the management of the trauma patient in basic resuscitation and management of specific injuries, kept on site and available to the Department upon request;
 - 3) The protocols for transferring trauma patients to more specialized care;
 - 4) A policy that a blood alcohol test will be drawn on any motor vehicle crash victim who is believed to have been the driver of the vehicle; and
 - 5) A suspension policy for trauma nurse specialists, meeting due process requirements (see Section 515.2209 446).
- 6) Changes to the Trauma Center Plan must be approved by the Department prior to implementation.
- 7) The practices of the trauma center shall reflect the protocols and policies of the EMS Region and Trauma Center plan.
- 8) The resuscitation care of a Trauma Category I or Trauma Category II patient must be documented on a Trauma Flow Sheet, which at minimum contains trauma category classification; time and place of classification (field or in-house); time of arrival of patient to trauma center; notification of surgical specialties and time of arrival to see patient (may exclude isolated injuries for Category II patients).
- 9) The trauma center shall maintain a job description for the Trauma Center Medical Director that details his/her responsibility and authority for the coordination and management of trauma services.
- 10) The trauma center shall maintain a job description for the Trauma Coordinator that details his/her responsibility and authority for the coordination and management of trauma services.
- 11) The trauma service must be identified in the facility's budget, with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- sufficient funds dedicated to support the trauma director and trauma coordinator's positions and to provide for the operation of the trauma registry.
- q) The trauma center shall develop a policy that identifies resource limitations that would result in the diversion of a trauma patient to another facility. The hospital shall also develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass (see Section 515.315).
 - 1) Such diversion must be reported to the Department by telephone if it occurs during business hours or written notification by fax if diversion must be sent within 24 hours following the diversion.
 - 2) Both forms of notification shall include at minimum:
 - A) The name of the trauma center;
 - B) Date and time of resource limitation; and
 - C) The reason for resource limitation.
 - r) The trauma center shall develop a plan for implementing a program of public information and education concerning trauma care for adult and pediatric patients.
- (Source: Amended at 25 Ill. Reg. _____, effective _____)
- Section 515.2035 Level I Pediatric Trauma Center**
- a) The Level I Pediatric Trauma Center Director shall advise the Trauma Center Medical Director and shall be a member of the Regional Trauma Advisory Board.
 - b) The Pediatric Trauma Center Medical Director shall be board certified in pediatric surgery or be a general surgeon, with at least two years of experience in pediatric trauma cases, 10 hours per year of trauma-related continuing medical education (CME), and 24-hour independent operating privileges, as evidenced by:
 - 1) Care and supervision for 50 pediatric trauma cases per year; and
 - 2) Ongoing involvement in pediatric trauma care.
 - c) The trauma center shall provide a pediatric trauma service separate from the general surgery service. The pediatric trauma service shall be staffed by pediatric trauma surgeons with one year of experience in pediatric trauma or general surgeons with two years of pediatric trauma care experience, who are available in-house 24 hours a day for immediate response.
 - 1) The pediatric trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training with independent operating room privileges for pediatric surgery and who have current Advanced Trauma Life Support (ATLS) verification.
 - 2) If the resident is fulfilling the pediatric trauma surgeon requirement, the attending pediatric trauma surgeon must be consulted within 30 minutes after the patient's being classified as Category I or II.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for patients undergoing operative procedures by the time the surgery begins.
- 4) The pediatric trauma surgeon, pediatric surgery resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The pediatric trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after the patient arrives in the Emergency Department (ED).
- 5) The hospital's quality improvement program shall monitor compliance with this subsection (c).
- 6) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) of this Section. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist. That subspecialist is to arrive within the time designated in subsection (d) after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.
- d) The trauma center shall provide the following surgical services within the designated times, by physicians credentialed by the hospital to provide pediatric care:
 - 1) On call to arrive at the hospital to treat the patient within 30 minutes after notification that their services are needed at the hospital:
 - A) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon with experience in pediatric cardiothoracic surgery for life-saving procedures; the surgeon must have pediatric cardiothoracic privileges; and
 - B) Obstetrics, or a transfer agreement.
 - 2) On call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed at the hospital:
 - A) Orthopedic;
 - B) Vascular;
 - C) Ophthalmologic;
 - D) Oral-dental;
 - E) Otorhinolaryngologic;
 - F) Plastic/maxillofacial;
 - G) Urologic;
 - H) Replantation service, or a transfer agreement;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- I) Neurosurgery.
- 3) Twenty-four hours a day, or a transfer agreement:
 - A) Burn center staffed by registered nurses trained in burn care; and
 - B) Acute spinal cord injury management.
- e) The pediatric trauma center shall provide the following nonsurgical services:
 - 1) Department of Pediatrics with a designated Board certified pediatrician in the role of chairman.
 - 2) Emergency Medicine staffed 24 hours a day in the ED by a physician who is board prepared or certified by the ABEM or by the American Board of Pediatrics and Pediatric Emergency Medicine (ABP/PEM) or ROBBEM with two year ongoing involvement in daily pediatric trauma care and 10 hours per year of trauma-related CME.
 - 3) Anesthesiology Services:
 - A) The anesthesiology service or department shall be supervised by pediatric anesthesiologists. "Supervise," for the purposes of this subsection (e)(3)(A), means to manage, control and direct the services performed, including being present in the trauma center and immediately available for consultation while the services are being performed.
 - B) Pediatric anesthesiology services as credentialed by the hospital available 24 hours a day in-house.
 - C) Direct patient care services may be performed by a pediatric anesthesiologist or a certified registered nurse anesthetist (CRNA) with experience in pediatric anesthesia acting under the direct supervision of a pediatric anesthesiologist.
 - 4) Radiology staffed by:
 - A) A technician with the ability to perform a computerized axial tomography (CAT) scan in-house, 24 hours a day.
 - B) A radiologist with the ability to read CAT scans and perform angiography available within 30 minutes. This requirement may be met by a Post Graduate Year (PGY) II radiology resident with six months experience in CAT and angiography. Tele-radiographic equipment may be used to transmit CAT scans to radiologists off site in lieu of the radiologists' response to the trauma center to read CAT scans. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography.
 - C) A pediatric radiologist on staff to provide a quality improvement process to validate interpretation of pediatric films.
 - 5) Pediatric intensive care unit having available 24 hours a day:
 - A) A physician credentialed by the hospital. This requirement may be fulfilled by pediatric or general surgery residents at the second or third year level or by pediatric or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

surgical critical care fellows who have had pediatric intensive care training and are under the supervision of a staff physician possessing full pediatric intensive care privileges;

- B) One registered professional nurse **Registered-Professional Nurse** per shift who is a **TNS** with pediatric experience documented by one year **two-years** in pediatric intensive care with and four hours of continuing pediatric education per year; and

- C) The following pediatric equipment:

- i) Airway control and ventilation devices;
- ii) Oxygen source with concentration controls;
- iii) Cardiac emergency cart;
- iv) Electrocardiograph-oscilloscope-defibrillator;
- v) Cardiac output monitoring;
- vi) Electronic pressure monitoring;
- vii) Mechanical ventilator-respirators;
- viii) Pulmonary function measuring devices, i.e., pulse oximetry and CO(2) monitoring;
- ix) Temperature control devices;
- x) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.1050, 250.2140, and 250.2710; and
- xi) Intracranial pressure monitoring devices.

- 6) Laboratory: 24 hours a day in-house, providing the following:

- A) Standard analysis of blood and urine, and other body fluids using micro-sampling techniques;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.320);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Toxicology screening.
- 7) A board-certified pediatrician shall be available within 60 minutes after notification.
- 8) Pediatric cardiology 60 minutes after notification.
- 9) Neurology - 60 minutes after notification.
- 10) Postanesthetic recovery capabilities 24 hours a day (may be fulfilled by a pediatric ICU).
- 11) Acute hemodialysis capability 24 hours a day.

- 12) Open heart capability.

- f) The trauma center shall meet the following professional staff requirements:

- 1) The ED Director shall be a physician board certified by the ABBM

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

or ABP/PEM or certified by the AOBEM;

- 2) Each shift in the ED shall be staffed by at least one registered nurse who has completed a Trauma Nurse Specialist Course and is currently recognized in good standing as specified in Section 515.750 of this Part. The TNS has responsibility for nursing care of the trauma patient. A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current Pediatric Course (ENPC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained;
- 3) Full-time Trauma Coordinator dedicated solely to the Trauma Program;
- 4) An operating room shall be staffed in-house and available 24 hours a day; and
- 5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, child protective services, dietary and pediatric psychiatry.

- g) The trauma center shall provide and maintain the following equipment:
- 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, CO(2) monitoring and pulse oximeter;
 - 2) Suction devices and equipment (pulmonary and gastric);
 - 3) Electrocardiograph-oscilloscope-defibrillator/pacemaker;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices;
 - 6) Sterile surgical instruments or sets for emergency care, such as cricothyrotomy, tracheostomy, thoracotomy, cut down, peritoneal lavage, intraosseous;
 - 7) Drugs and supplies necessary for emergency care;
 - 8) X-ray and CAP scan capability;
 - 9) Spinal immobilization equipment;
 - 10) Temperature control devices;
 - 11) Pediatric measuring device;
 - 12) Scale; and
 - 13) Specialized pediatric resuscitation cart with measuring device in the emergency area.

- h) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry.
- i) **A-Level--i--trauma-center-seeking-pediatric-trauma-center-designation shall meet--requirements-for-designation-as-a-level-i-pediatric-trauma-center--(see-Section-515-2630-of-this-Part);**
- j) A level I Pediatric Trauma Center shall meet the requirements of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.2030(h)-(r) of this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.2040 Level II Trauma Center Designation Criteria

- a) A Level II Trauma Center, under the direction of a Level II Trauma Center Medical Director, shall be responsible for providing trauma care in accordance with the EMS System Program Plan.
- b) The Trauma Center Medical Director shall be a trauma surgeon, board certified in surgery, with at least two years of post-residency experience in trauma care and with 24-hour independent operating privileges.
- c) The trauma center shall provide a trauma service, separate from the general surgery service, that is an identified hospital service functioning under the designated director and staffed by trauma surgeons with one year of experience in trauma, and who will arrive at the hospital to treat the trauma patient within 30 minutes after the patient's being classified as a Category I trauma patient.
 - 1) The trauma surgeons shall have 20 hours of trauma-related CME every two years.
 - 2) The trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training and current ATLS certification. A physician with a current ATLS must respond within 30 minutes for Category I trauma patients.
 - 3) If the resident is fulfilling the trauma surgeon requirement, the attending physician must be consulted within 30 minutes after the patient's being classified as Category I or II.
 - 4) If the resident is fulfilling the trauma surgeon requirement, it is mandatory that an attending be present for patients undergoing operative procedures by the time the surgery begins.
 - 5) The trauma surgeon, resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after ED arrival.
 - 6) The hospital's quality improvement program shall monitor compliance with this subsection (c).
 - 7) The trauma center shall maintain a call schedule that identifies at least a primary and back-up surgeon, each listed by surgeon's name.
 - 8) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) or (e) of this Section. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement. The subspecialist must arrive within the time frame listed in subsection (d) or (e) after notification that his or her services are needed at the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention.
- d) The trauma center shall have the following surgical services on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed:
 - 1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for lifesaving procedures; the surgeon must have cardiothoracic privileges;
 - 2) Orthopedic; and
 - 3) Urological; and
 - 4) Obstetrics.
- e) The trauma center shall have the following surgical specialties on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention. The following services may be provided by written transfer agreement. These services must be provided according to subsection (c)(8) of this Section for isolated injuries when the trauma surgeon is not required to respond:
 - 1) Neurosurgical;
 - 2) Ophthalmologic;
 - 3) Oral-Dental;
 - 4) Otorhinolaryngologic;
 - 5) Replantation;
 - 6) Plastic/Maxillofacial;
 - 7) Burn center staffed by registered nurses **Registered--Nurses** trained in burn care;
 - 8) Acute spinal cord injury management; and
 - 9) Pediatric surgery as designated by Section 515.2045 of this Part. **and**

Obstetrics

- f) The trauma center shall provide the following nonsurgical services within the designated times:
 - 1) Emergency Medicine staffed 24 hours a day in the ED by:
 - A) A physician who has competency in trauma as demonstrated by:
 - i) Board certification or board eligibility by the ABOM or the AOBNM; and
 - ii) Ten hours per year of AHA-approved Category I or II trauma-related CME; or
 - B) A physician who was working in the emergency department of a trauma center prior to ~~as of~~ January 1, 2000, and who had completed 12 months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2800 hours within one 24-month

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

period), and CME totaling 50 hours for each post-internship year in which the physician completed any hospital-based Emergency Medicine Hours.

- 2) Anesthesiology Services:
 - A) Anesthesiology services shall be in compliance with the Hospital Licensing Act and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes after notification that their services are needed at the hospital.
 - B) Direct patient care services may be performed by an anesthesiologist or a CRNA.
- 3) Laboratory -- 24 hours a day in-house, providing the following:
 - A) Standard analysis of blood, urine, and other body fluids;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Section 250.520);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Drug and alcohol screening.
- 4) Radiology staffed by:
 - A) A technician with the ability to perform a CAT scan available within 30 minutes; and
 - B) A radiologist with the ability to read CAT scans and perform angiography available within 60 minutes. This requirement may be met by a PGY II radiology resident with six months experience in CAT and angiography. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography. Tele-radiologic equipment may be used to transmit CAT scans off site in lieu of the radiologist's response to the trauma center to read CAT scans.
- 5) Cardiology -- 60 minutes.
- 6) Internal Medicine -- 60 minutes.
- 7) Neurology -- 60 minutes.
- 8) Postanesthetic recovery capability staffed and available within 30 minutes may be fulfilled by ICU.
- 9) Intensive Care Medicine Unit having available the following:
 - A) A physician credentialed by the hospital and available within 30 minutes. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;
 - B) One registered professional nurse ~~Registered--Professional~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Nurse who is a TNS per shift with one year of two-years ICU experience with and four hours of continuing critical care education per year.

- C) The following equipment:
 - i) Airway control and ventilation devices;
 - ii) Oxygen source with concentration controls;
 - iii) Cardiac emergency cart;
 - iv) Electrocardiograph-oscilloscope-defibrillator;
 - v) Temperature control devices;
 - vi) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Sections 250.1050, 250.2140, and 250.2710;
 - vii) Mechanical ventilator-respirators; and
 - viii) Pulmonary function measuring devices (i.e., pulse oximetry, CO[2] monitoring).
- x) Temperature control devices; and
- x) Drugs, intravenous fluids and supplies in accordance with Hospital Licensing Requirements (77 Ill. Adm. Code 250), specifically Sections 250.1050, 250.2140 and 250.170.
- 10) Pediatrics -- 60 minutes.
- 11) Acute hemodialysis capability 24 hours a day or a transfer agreement.
- 9) The trauma center shall meet the following professional staff requirements:
 - 1) The ED Director shall be a physician board certified by the ABEM, or certified by the AOBEM of the AOA;
 - 2) Each shift in the ED will be staffed by at least one Registered Nurse who has completed a Trauma Nurse Specialist Course and is currently recognized in good standing as specified in Section 515.750 of this Part. The TNS has responsibility for care of the trauma patient. A back-up policy shall provide for a nurse with experience evidenced by TNCC or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained unless a minimum of two TNS-trained RNs are on duty per shift;
 - 3) A full-time Trauma Coordinator dedicated solely to the Trauma program;
 - 4) An operating room shall be staffed and available within 30 minutes 24 hours a day; and
 - 5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, dietary, and psychiatry.
- h) The trauma center shall provide and maintain the following equipment:
 - 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, pulse oximetry and CO[2] monitoring;
 - 2) Suction device;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Electrocardiograph-oscilloscope-defibrillator;
- 4) Apparatus to establish central venous pressure monitoring;
- 5) All standard intravenous fluids and administration devices;
- 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, cut down, peritoneal lavage, and intraosseous;
- 7) Drugs and supplies necessary for emergency care;
- 8) X-ray and CAT scan capability, available within 30 minutes;
- 9) Spinal immobilization equipment;
- 10) Temporary pacemaker;
- 11) Temperature control device; and
- 12) Specialized pediatric resuscitation with measuring device cart in the emergency area.

AGENCY NOTE: A Broselow(TM) Tape will meet this requirement.

1) *The trauma center must have helicopter landing capabilities approved by State and federal authorities.* (Section 3.100(j) of the Act) The helicopter landing capabilities shall:

- 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14, specifically Sections 14.790, 14.792 and 14.795);
- 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D; and
- 3) Be provided on the campus of the trauma center.

Out-of-state trauma centers are exempted from this subsection (i) but must comply with their state's rules that govern aviation safety.

- j) The trauma center shall perform focused outcome analyses of its trauma services on a quarterly basis and shall provide all minutes related to these reviews on site or at the request of the Department. The analyses shall consist of at least:

- 1) Review of all patient deaths, excluding dead on arrival (DOA). Patients must be assigned a status of non-preventable death, potentially preventable death, or preventable death, or cannot be determined, using the American College of Surgeons "Performance Improvement" (Chapter 19, from "Resources for the Optimal Care of the Injured Patient, 1999"). Factors contributing to the death must be included in the review. A cumulative report of these findings shall be available on site and upon request by the Department.
- 2) Review of all morbidities. A morbidity is a negative outcome that is the result of the original trauma and/or treatment rendered or omitted. Factors contributing to the morbidity must be included in the review. A cumulative report of these findings must be presented quarterly to the Region.
- 3) Review of audit filters. An audit filter is a clinical and/or internal resource indicator used to examine the process of care and to identify potential patient care and/or internal resource problems.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) *All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to the Act, or by an EMSD or his designee of medical care rendered by system personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.* (Section 3.110(a) of the Act)

- k) Every two years the trauma center shall provide to the Department written protocols concerning the following:

- 1) Policies for treating patients in the trauma center, which includes Trauma Category I and Trauma Category II criteria as required in Section 515 Appendices C and F of this part;
 - 2) Clinical protocols for management of the trauma patient in basic resuscitation and management of specific injuries. Protocols are to be kept on site and available to the Department upon request;
 - 3) The transfer of trauma patients to the Level I Trauma Center serving the EMS Region or a more specialized level of care;
 - 4) A policy that blood alcohol will be drawn on a motor vehicle crash victim who is believed to have been the driver of the vehicle;
 - 5) A suspension policy for trauma nurse specialists meeting due process requirements (see Section 515.2200 420).
- l) Changes to the Trauma Center Plan must be approved by the Department prior to implementation.
 - m) The practices of the trauma center shall reflect the protocols and policies of the EMS Region and Trauma Category I or Trauma Category II. The resuscitation care of a Trauma Category I or Trauma Category II patient must be documented on a Trauma Flow Sheet, which at minimum contains trauma category classification; time and place of classification (field or in-house); time of arrival of patient to trauma center; notification of surgical specialties and time of arrival to see patient (may exclude isolated injuries for Category II patients).
 - n) The trauma center shall maintain a job description for the Trauma Center Medical Director, which details his/her responsibility and authority for the coordination and management of trauma services.
 - o) The trauma center shall maintain a job description for the Trauma Coordinator, which details the responsibility and authority for the coordination and management of trauma services.
 - p) The trauma service must be identified in the facility's budget with sufficient funds dedicated to support, at a minimum, the trauma director and trauma coordinator positions and to provide for operation of the trauma registry.
 - q) The trauma center shall develop a policy that identifies situations that would result in trauma bypass. The hospital shall also develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass (see Section 515.315).
 - r) Such diversion must be reported to the Department by telephone if it occurs during business hours or written notification by fax of

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

diversion must be sent within 24 hours following the diversion.

- 2) Both forms of notification shall include at minimum:
 - A) The name of the trauma center;
 - B) Date and time of resource limitation; and
 - C) The reason for resource limitation.
- s) The trauma center shall develop a plan for implementing a program of public information and education concerning trauma care for adult and pediatric patients.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.2045 Level II Pediatric Trauma Center

- a) The Level II Pediatric Trauma Director shall advise the Trauma Center Medical Director and shall be a member of the Regional Trauma Advisory Board.
- b) The Pediatric Trauma Center Medical Director shall be ~~a pediatric trauma surgeon or a board certified in pediatric surgery or be a general surgeon, with at least two years of experience in pediatric trauma care, board certification in pediatric surgery, at least one year of experience in pediatric trauma care, 10 hours per year of trauma-related CME, and 24-hour independent operating privileges~~, as evidenced by either:
 - 1) responsibility for 50 pediatric trauma cases per year; or
 - 2) both:

- A) responsibility for 10 percent of the total number of pediatric trauma cases at the trauma center per year; and
- B) ongoing involvement in pediatric trauma care.

- c) The trauma center shall provide a pediatric trauma service separate from the general surgery service. The pediatric trauma service shall be staffed by pediatric trauma surgeons who have one year of experience in trauma, who have 24-hour independent operating privileges, and who will arrive at the hospital to treat the trauma patient within 30 minutes after the patient's being classified as a Category I trauma patient.

- 1) The pediatric trauma surgeon requirement may be fulfilled by residents with a minimum of four years of pediatric surgery residency training and who have current APTS verification.
- 2) If the resident is fulfilling the pediatric trauma surgeon requirement, the attending pediatric trauma surgeon must be consulted within 30 minutes after the patient's being classified as Category I or II.
- 3) If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for Category I patients undergoing operative procedures by the time the surgery begins.
- 4) The pediatric trauma surgeon, pediatric surgery resident or surgical subspecialist shall be consulted when the decision is

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

made to admit a Category II patient. The pediatric trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after ED arrival.

- 5) The hospital's quality improvement program shall monitor compliance with this subsection (c).
- 6) The trauma center shall maintain a call schedule that identifies at least a primary and back-up pediatric surgeon with each surgeon listed by name.
- 7) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) or (e) of this Section. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist. That subspecialist is to arrive within the time designated in subsection (d) after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.

- d) The trauma center shall provide the following surgical services by physicians who are credentialed by the hospital to provide pediatric care, and who are on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed:

- 1) Cardiothoracic: this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon with experience in pediatric cardiothoracic surgery for lifesaving procedures; the surgeon must have pediatric cardiothoracic privileges;
- 2) Obstetrics;
- 3) Orthopedic; and
- 4) Urologic.

- e) The trauma center shall have the following surgical specialties by physicians who are credentialed by the hospital to provide pediatric care and who are on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed. These services may be provided by written transfer agreement. These services must be provided according to subsection (c)(7) of this Section for isolated injuries when the trauma surgeon is not required to respond;

- 1) Neurosurgical with two years experience in pediatric neurosurgery;
- 2) Ophthalmologic;
- 3) Oral-dental;
- 4) Otorhinolaryngologic;
- 5) Reimplantation;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 6) Plastic/maxillofacial; and
 - 7) Burn center staffed by registered nurses trained in burn care; and
 - 8) Acute spinal cord injury management.
- f) The pediatric trauma center shall provide the following nonsurgical services within the designated times:
- 1) Emergency Medicine staffed 24 hours a day in the ED by a physician who is board prepared or certified by the ABEM, ABP/PEM or AOBEM with two-year ongoing involvement in daily pediatric trauma care, and 10 hours per year of trauma-related CME.
 - 2) Anesthesiology Services:
 - A) Anesthesiology services shall be in compliance with the Hospital Licensing Act and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes after notification that their services are needed the hospital.
 - B) Direct patient care services may be performed by an anesthesiologist or a CRNA with experience in pediatric anesthesia under the direct supervision of an anesthesiologist.
 - 3) Laboratory 24 hours a day in-house, providing the following:
 - A) Standard analysis of blood, urine, and other body fluids;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Section 250.520);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Toxicology screening.
 - 4) Department of Pediatrics with board certified pediatrician in the role of Chairman, and a board certified pediatrician shall be available within 60 minutes after notification that his or her services are needed.
 - 5) Radiology staffed by:
 - A) A technician with the ability to perform a CAT scan available within 30 minutes after notification;
 - B) A radiologist with the ability to read CAT scans and perform angiography available within 60 minutes. This requirement may be met by a PGY II radiology resident with six months experience in CAT and angiography. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography. Tele-radiographic equipment may be used to transmit CAT scans off site in lieu of the radiologist's response to the trauma

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- center to read CAT scans; and
 - C) A pediatric radiologist on staff to provide a quality improvement process to validate interpretation of pediatric films.
 - 6) Pediatric cardiology 60 minutes after notification.
 - 7) Neurology.
 - 8) Postanesthetic recovery capability staffed and available within 30 minutes (may be fulfilled by pediatric ICU).
 - 9) ICU having available the following:
 - A) A physician credentialed by the hospital and available within 30 minutes. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;
 - B) One registered professional nurse ~~Registered--Professional Nurse~~ per shift who is a TNS in the ICU, with pediatric experience documented by one year ~~two-years~~ in pediatric ICU or critical care with and four hours of continuing pediatric education per year; and
 - C) The following pediatric equipment 24 hours a day in-house:
 - i) Airway control and ventilation devices;
 - ii) Oxygen source with concentration controls;
 - iii) Pulse oximeter and CO(2) monitoring;
 - iv) Cardiac emergency cart;
 - v) Electrocardiograph-oscilloscope-defibrillator;
 - vi) Temperature control devices;
 - vii) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Sections 250.1050, 250.2140, and 250.2710; and
 - viii) Mechanical ventilator-respirators.
 - 10) Acute hemodialysis capability 24 hours a day, or a transfer agreement.
- g) The trauma center shall meet the following professional staff requirements:
- 1) The ED Director shall be a physician board certified by the ABEM, AOBEM, or ABP/PEM.
 - 2) Each shift in the ED will be staffed by at least one Registered Nurse who has completed a Trauma Nurse Specialist Course as specified in Section 515.750 of this Part and Advanced Pediatric Life Support (APLS). The TNS has responsibility for care of the trauma patient. A back-up policy shall provide for a nurse with experience evidenced by APLS, Pediatric Advanced Life Support (PALS) or Emergency Nurses Pediatric Course (ENPC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained.
 - 3) A full-time Trauma Coordinator dedicated solely to the trauma program.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) An operating room shall be staffed and available within 30 minutes, 24 hours a day.
- 5) Staff shall include occupational therapy, speech therapy, social work, child protective services and psychiatry.
- h) The trauma center shall provide and maintain the following equipment:
- 1) Airway control and ventilation equipment, including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, CO₂ monitoring, and pulse oximeter;
 - 2) Suction device;
 - 3) Electrocardiograph-oscilloscope-defibrillator, pacemaker;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices;
 - 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, cut down, peritoneal lavage, intraosseous;
 - 7) Drugs and supplies necessary for emergency care;
 - 8) X-ray and CAT scan capability, available within 30 minutes;
 - 9) Spinal immobilization equipment;
 - 10) Temperature control devices;
 - 11) Pediatric measuring device;
 - 12) Scale; and
 - 13) Specialized pediatric resuscitation cart with measuring device in the emergency area.
- AGENCY NOTE: Broselow(TM) Pediatric Tape will meet this requirement.
- i) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry.
- †† A Level II Trauma Center seeking designation as a Pediatric Trauma Center shall be designated as a Level II Pediatric Trauma Center.
- 1k) For additional requirements for Level II Pediatric Trauma Centers, see Section 515.2040.
- ki) A Level II Pediatric Trauma Center shall meet the requirements of Section 515.2030(h)-(r) of this Part.
- (Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 515.2050 Trauma Center Uniform Reporting Requirements

- a) Each trauma center shall have available to the Trauma Service use of an IBM compatible personal computer capable of handling the software contracted by the Department and that meets the following general standards: CPU 80586, 200 MHz, RAM 32MB, hard drive 1GB, floppy drive 3 1/2" CD-ROM EP-ROM 20x 4x, color VGA, inkjet ink or laser printer, 57.6 Baud Modem, software to support the trauma registry program, and backup capability remote support software. The

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Department shall provide Trauma Registry software for use by the trauma center. This software shall be used for data collection and shall have a provision to prepare electronic media reports to the Department on a quarterly basis.
- AGENCY NOTE: For example, Windows-95-NY would support the trauma registry and PCAnywhere would provide remote support.
- b) The trauma center shall provide the following information on each reportable trauma patient:
- 1) Registry Number;
 - 2) Medical Record Number;
 - 3) Name (first and last);
 - 4) Address, City, State, County and Zip Code;
 - 5) EMS Region;
 - 6) Age;
 - 7) Sex;
 - 8) Race;
 - 9) Mechanism of Injury (International Classification of Disease (ICD) 9 E codes - 4 digits);
 - 10) Safety Equipment;
 - 11) Hospital Transfer From and Hospital Transfer To;
 - 12) Vehicle Number for all Transporting Agencies;
 - 13) Transport mode;
 - 14) Run Sheet;
 - 15) Date Arrived At Scene (only for when pre-hospital transport is involved);
 - 16) ED Arrival Date;
 - 17) ED Disposition Date;
 - 18) Glasgow Coma Scale Components (Eye, Motor, Verbal and Total) in ED;
 - 19) First Temperature in ED;
 - 20) ED Blood Pressure, Pulse, Respiratory Rate;
 - 21) ED Revised Trauma Score;
 - 22) ED Triage Category;
 - 23) Minimum Field Triage Criteria;
 - 24) ED Treatment;
 - 25) Blood Alcohol level in all drivers in motor vehicle crashes;
 - 26) Blood Units Administered;
 - 27) Physician Type, Notification Time, Arrival Time;
 - 28) Admitting Service;
 - 29) Medical Complications;
 - 30) Total ICU Days, Monitored Bed Days and Unmonitored Bed Days;
 - 31) Number of Ventilator Days;
 - 32) Surgery Performed, Surgery Date;
 - 33) Additional Injuries;
 - 34) Abbreviated Injury Scale for each injury;
 - 35) Injury Severity Score (ISS) range 1-75;
 - 36) Primary Pay Source;
 - 37) Discharge Condition and Date;
 - 38) Total Hospital Days;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 38) Crash Record Number;
- 39) Pre-Hospital Record Number;
- 40) Injury Date and Time;
- 41) System Access;
- 42) Scene FIPS Code;
- 43) Work Related;
- 44) Date Arrived at Transferring Hospital;
- 45) Time Arrived at Transferring Hospital;
- 46) Glasgow Coma Scale at Transferring Hospital;
- 47) Systolic Blood Pressure at Transfer In Hospital;
- 48) Respiratory Rate at Transfer In Hospital;
- 49) Care at Transfer In Hospital;
- 50) Date Out of Transfer Hospital;
- 51) Time Out of Transfer Hospital;
- 52) Pre-Hospital Response Minutes;
- 53) Pre-Hospital Scene Minutes;
- 54) Pre-Hospital Transportation Minutes;
- 55) Pre-Hospital Glasgow Total;
- 56) Pre-Hospital Systolic Blood Pressure;
- 57) Pre-Hospital Respiratory Rate;
- 58) Emergency Department Arrival Time;
- 59) Drug Screen;
- 60) Emergency Department Glasgow Coma Scale Total;
- 61) Minutes Prior to CT Scan;
- 62) Admit to Physician Number;
- 63) Time of First Operation;
- 64) ICD-9-CM Procedure Codes;
- 65) Unanticipated Operation;
- 66) Return to Operating Room;
- 67) ICD-9-Nature of Injury Codes 800-959;
- 68) Scene City, Address, Zip Code;
- 69) Vehicle Position of Driver;
- 70) Pre-Hospital Patient Contact Time;
- 71) Emergency Department Triage Time;
- 72) Emergency Department Reason for Transfer;
- 73) Emergency Department Disposition Deaths;
- 74) Medical Complications;
- 75) Hospital Discharge Disposition;
- 76) Expression;
- 77) Feeding;
- 78) Locomotion;
- 79) Total Hospital Charges;
- 80) ED Minutes;
- 81) Radiology Minutes;
- 82) ED Hourly Vitals;
- 83) ED Neuro Checks;
- 84) Regular and Revised Trauma Scores;
- 85) ED Respiratory Status;
- 86) ED Arrival Date and Time;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 87) C-Spine Diagnosis Delay;
 - 88) Pre-hospital Patient Contact;
 - 89) Rehabilitation Potential;
 - 90) Organ Donor Status;
 - 91) Admission/Surgery at Transferring Hospital;
 - 92) Pre-Hospital Cardiopulmonary Arrest Time;
 - 93) Highest Level of Trauma Response.
- c) Reportable trauma patients
- 1) A reportable trauma patient is one who was involved in a traumatic event and:
 - A) was transferred to the trauma center from another hospital;
 - B) was transferred from the trauma center to another hospital;
 - C) was admitted to the trauma center as an inpatient;
 - D) was assigned an observation status and had a length of stay greater than 12 hours from time of arrival in the ED;
 - E) was dead on arrival (DOA);
 - F) died in the emergency department (DIE); or
 - G) signed out against medical advice after refusing admission (AMA).
 - 2) A traumatic event is one in which there was a transfer of energy resulting in injury, involving any of the following:
 - A) aircraft;
 - B) watercraft;
 - C) motor vehicles;
 - D) railway;
 - E) recreational vehicles;
 - F) farm machinery;
 - G) animals, including bites;
 - H) explosion;
 - I) falls;
 - J) thermal (including smoke inhalation)/chemical/radiation injuries;
 - K) lightning;
 - L) weather related (tornado, flood, blizzard) injuries;
 - M) struck by falling object;
 - N) sports related;
 - O) caught between objects;
 - P) cutting or piercing instruments or objects;
 - Q) firearms;
 - R) electric current;
 - S) suicide or self-inflicted injury;
 - T) homicide;
 - U) injury inflicted by others;
 - V) hanging; or
 - W) strangulation.
- d) Illinois trauma registry reporting schedule
- Patients Discharged Report Date
January - March June 30

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

April - June
 July - September
 October - December

September 30
 December 31
 March 31

- e) The trauma center shall have a policy to back up and archive data on a regular basis.
- f) Data collected from individual trauma centers shall be cross-referenced with Vital Records Death Certificates to confirm accuracy.
- g) Annual reports shall be prepared by the Department presenting summary data to allow trauma centers to evaluate performance. This data shall have all hospital and patient identifiers removed.
- h) All data received by the Department shall be kept confidential. Patient identifiers shall be kept in such a way to assure that confidentiality is maintained and is not available to the public.
- i) All reports and records made pursuant to the Head and Spinal Cord Injury Act (410 ICS 515) and maintained by the Department and other appropriate persons, officials and institutions pursuant to the Head and Spinal Cord Injury Act shall be confidential. Information shall not be made available to any individual or institution except to:

- A) Appropriate staff of the Department;
 - B) Any person engaged in a bona fide research project, with the permission of the Director of Public Health, except that no information identifying the subjects of the reports or the reporters shall be made available to researchers unless the Department requests and receives consent for such release pursuant to the provisions of this Section; and
 - C) The Advisory Council on Spinal Cord and Head Injuries, except that no information identifying the subjects of the reports or the reporters shall be made available to the Council unless consent for release is requested and received pursuant to the provisions of this Section. Only information pertaining to Head and Spinal Cord Injuries as defined in Section 1 of the Head and Spinal Cord Injury Act shall be released to the Council. (Section 3 of the Head and Spinal Cord Injury Act)
- 2) The Department shall not reveal the identity of a patient, physician or hospital, except that the identity of the patient may be released upon written consent of the patient, parent or guardian, the identity of the physician may be released upon written consent of the physician, and the identity of the hospital may be released upon written consent of the hospital. (Section 3 of the Head and Spinal Cord Injury Act)
- 3) The Department shall request consent for release from a patient, a physician or hospital only upon a showing by the applicant for such release that obtaining the identities of certain patients, physicians or hospitals is necessary for his bona fide research directly related to the objectives of the Head and Spinal Cord

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Injury Act. (Section 3 of the Head and Spinal Cord Injury Act)

- 1) Availability of Registry Information
 - A) All requests by medical or epidemiologic researchers for confidential registry data must be submitted in writing to the registry. The request must include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects, including methods for documenting compliance with 42 CFR 2A, pars. 4 ambulance, 6 a-b, 7 a-b; methods for the processing of data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.
 - 2) All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions:
 - A) The request for patient or facility identifying information contains stated goals or objectives;
 - B) The request documents the feasibility of the study design in achieving the stated goals and objectives;
 - C) The request documents the need for the requested data to achieve the stated goals and objectives;
 - D) The requested data can be provided within the time frame set forth in the request;
 - E) The request documents that the researcher has qualifications relevant to the type of research being conducted;
 - F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research; and
 - G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights, because the Department will only release the name of the patient, physician (in accordance with the provisions of this Section) or facility identifying information that is necessary for the research.
- 3) Research Agreements
 - A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c) of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

this Section. In addition, the researcher shall include an assurance that:

- i) Use of data is restricted to the specifications of the protocol;

- ii) Any and all data that may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and that such data will be kept strictly confidential at all times;

- iii) All officers, agents and employees will keep all such data strictly confidential; will communicate the requirements of this subsection to all officers, agents, and employees; will discipline all persons who may violate the requirements of this Section; and will notify the Department in writing within 48 hours after any violation of this subsection, including full details of the violation and corrective actions to be taken;

- iv) All data provided by the Department pursuant to the contract may only be used for the purposes named in the contract and that any other or additional use of the data may result in immediate termination of the contract by the Department; and

- v) All data provided by the Department pursuant to the contract is the sole property of the Department and may not be copied or reproduced in any form or manner and that all data and all copies and reproduction of the data will be returned to the Department upon termination of the contract.

- B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) of this Section prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.

- 4) The Department shall disclose individual patient or facility information to the reporting facility that originally supplied that information to the Department, upon written request of the facility.

- 3) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under Part 21 of Article 8 of the Code of Civil Procedure [735 ILCS 5]. Therefore, this information is privileged from disclosure by Part 21 of Article 8 of the Code of Civil Procedure.

- k) The identity of any facility, or any group of facts that tends to lead to the identity of any person whose condition or treatment is submitted to the Department, shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.

- 1) Every hospital shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases that are dated more than two years before the Department's request for further information.

- m) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 515.2200 Suspension Policy for Trauma Nurse Specialist Certification

- a) The responsible nursing administrator may recommend suspension of a TNS certification pending due process or may immediately suspend the TNS certification.

- b) Except as allowed in subsection (k) of this Section, the responsible nursing administrator shall provide the TNS with a written explanation of the reason for the suspension; the terms, length, and condition of the suspension; and the date the suspension will commence, unless a hearing is requested. The procedure for requesting a hearing within 15 days through the Local System Review Board shall be provided.

- c) Failure to request a hearing within 15 days shall constitute a waiver of the right to a Local System Review Board hearing.

- d) The Trauma Center shall designate the Local Review Board, consisting of at least three members, one of whom is the Trauma Nurse Specialist Course Coordinator (TNSCC) or hospital trauma coordinator, one of whom is a Trauma Nurse Specialist, and one of whom is a registered nurse in an administrative position.

- e) The hearing shall commence as soon as possible but at least within 21 days after receipt of a written request. The Trauma Director shall arrange for a certified shorthand reporter to make a stenographic record of that hearing and thereafter prepare a transcript of the proceedings. The transcript, all documents or materials received as evidence during the hearing and the Local Review Board's written decision shall be retained in the custody of the Trauma Center. The Trauma Center shall implement the decision of the Local Review Board unless that decision has been appealed to the State Emergency Medical Services Disciplinary Review Board.

- f) The Local Review Board shall state in writing its decision to affirm,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

nursing administrator, who shall immediately notify the suspended Trauma Nurse Specialist. The suspension shall remain in effect during this period of review by the Director or the Director's designee.

(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

modify or reverse the suspension order. Such a decision shall be sent via certified mail or personal service to the Trauma Director and the TNS who requested the hearing within five business days after the conclusion of the hearing.

a) The transcripts, all documents or materials received as evidence during the hearing and the Local Review Board's written decision shall be retained in the custody of the Trauma Center.

b) The responsible nursing administrator shall notify the Department, in writing, within five business days after the Board's decision to either uphold, modify, or reverse the responsible nursing administrator's suspension of the individual. The notice shall include a statement detailing the duration and grounds for suspension.

c) If the Local Review Board affirms, reverses or modifies the responsible nursing administrator's suspension order, the TNS shall have an opportunity for review of the Local Board's decision by the TNS in the Review Board.

d) Requests by the TNS for review by the BMS Disciplinary Review Board shall be submitted in writing to the Chief of the Department's division of Emergency Medical Services and Highway Safety within 10 days after receiving the Local Review Board's decision or the responsible nursing administrator's suspension order, whichever is applicable.

k) A responsible nursing administrator may immediately suspend an individual if he or she finds that the information in his or her possession indicates that the continuation in practice by the Trauma Nurse Specialist would constitute an imminent danger to the Trauma patient. The suspended Trauma Nurse Specialist shall be issued an immediate verbal notification followed by a written suspension order from the responsible nursing administrator, which states the length, terms and basis for the suspension.

1) Within 24 hours following the commencement of the suspension, the responsible nursing administrator shall deliver to the Department, by messenger or telefax, a copy of the suspension order, including any written materials that relate to the responsible nursing administrator's decision to suspend the Trauma Nurse Specialist.

2) Within 24 hours following commencement of the suspension, the suspended Trauma Nurse Specialist may deliver to the Department, by messenger or telefax, a written response to the suspension order, including any written materials that the Trauma Nurse Specialist believes relate to that response.

3) Within 24 hours following receipt of the responsible nursing administrator's suspension order or the Trauma Nurse Specialist's written response, whichever is later, the Director or Director's designee shall determine whether the suspension should be stayed pending the Trauma Nurse Specialist's opportunity for hearing or review, or whether the suspension should continue pending the review of that hearing or review. The Director or the Director's designee shall issue this determination to the responsible

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX A A Request for Designation (RFD) Trauma Center

a) Name of hospital and address (typed)

1) Check the designation level(s) for which your hospital is applying:

_____ Level I

_____ Level II

_____ Level I Pediatric

_____ Level II Pediatric

2) The above named facility certifies that each requirement listed in this Request for Designation is met and will be operational by the date of designation.

Typed name CEO/Administrator

Signature CEO/Administrator

Date

Typed name Trauma Director

Signature Trauma Director

Date

Contact person and phone

b) Level I Designation Criteria

Provide a Trauma Plan that explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement, or by waiver. Requests for waiver must include the agreement or standards with which it considers compliance to be hardship and demonstrate how there will be no reduction in the standards of medical care. (Section 3.1.B5 of the Net) The Trauma Plan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

must be submitted in the order listed in this Appendix A, subsection (b). Each section of the Plan must be referenced by the applicable portion of this Part by subsection number (e.g., the subsections referenced in this subsection (b)).

1) Table of Organization

- A) Board of Directors
- B) Chief Executive Officer
- C) Department of Surgery
- D) Trauma Service
- E) Department of Medicine
- F) Department of Radiology
- G) Emergency Medicine
- H) Rehabilitation Department, including Occupational Therapy.
- I) Speech Therapy and Physical Therapy
- J) Social Services
- K) Dietary
- L) Department of Psychiatry

2) Review the requirements in Section 515.2030(a) and (b) for the Trauma Director. Submit a curriculum vitae for the Trauma Director.

3) Review the criteria in Section 515.2030(c)(1) for all general and trauma surgeons. Complete Appendix G.

4) Review requirements in Section 515.2030(c)(2)-(6) for resident coverage. If residents are used, submit documentation to substantiate this requirement. Otherwise, submit a statement that residents are not used.

5) Review requirements in Section 515.2030(c)(7) for treatment of isolated injuries. Submit documentation to substantiate this requirement.

6) Review requirements in Section 515.2030(d)(1)(A)-(C) for physicians to be on call to arrive at the hospital within 30 minutes after notification that their services are needed at the hospital. Submit documentation to substantiate this requirement.

7) Review requirements in Section 515.2030(d)(2)(A)-(I) for on-call physicians to arrive at the hospital to treat the patient within 60 minutes. Submit documentation to substantiate this requirement.

8) Review requirements in Section 515.2030(d)(3)(A) and (B) for burn care and acute spinal cord injury. Submit documentation to substantiate this requirement.

9) Review criteria for Emergency Physicians in Section 515.2030(e)(1)(A)(i) and (ii) and (B). Submit Appendix H.

10) Review criteria in Section 515.2030(e)(2)(A)-(C) for Anesthesiology Services. Submit documentation to substantiate this requirement.

11) Review criteria in Section 515.2030(e)(3)(A) and (B) for Radiology. Submit documentation to substantiate this requirement.

12) Review criteria in Section 515.2030(e)(4)(A) for Intensive Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Unit physician coverage. Submit documentation to substantiate this requirement.
- 13) Review criteria in Section 515.2030(e)(4)(B) for ICU nurse coverage. Submit documentation to substantiate this requirement.
 - 14) Review the ICU equipment list in Section 515.2030(e)(4)(C)(i)-(xiii). Submit a statement that the trauma center maintains that ICU equipment.
 - 15) Review the laboratory requirements in Section 515.2030(e)(5)(A)-(G). Submit a statement that the trauma center meets the laboratory requirements.
 - 16) Review Cardiology requirement in Section 515.2030(e)(6). Submit documentation to substantiate this requirement.
 - 17) Review Internal Medicine requirement in Section 515.2030(e)(7).
 - 18) Review Neurology requirement to substantiate this requirement.
 - 19) Review requirement to substantiate this requirement.
 - 20) Review requirement to substantiate this requirement.
 - 21) Review requirement in Section 515.2030(e)(10) for Postanesthetic Recovery. Submit documentation to substantiate this requirement.
 - 22) Review criteria in Section 515.2030(e)(11) for Acute Hemodialysis capability in-house 24 hours a day. Submit documentation to substantiate this requirement.
 - 23) Review criteria in Section 515.2030(f)(1) for Emergency Department Director. Submit a curriculum vitae.
 - 24) Review criteria in Section 515.2030(f)(2) for Trauma Nurse Specialists. Submit documentation to substantiate this requirement.
 - 25) Review criteria in Section 515.2030(f)(3) for a full time Trauma Coordinator. Submit documentation to substantiate this requirement.
 - 26) Review criteria in Section 515.2030(f)(4) for Operating Room. Submit documentation to substantiate this requirement.
 - 27) Review criteria in Section 515.2030(f)(5) for additional facility staff (Occupational Therapy, Speech Therapy, Physical Therapy, Social Service, Dietary, and Psychiatry). Submit documentation to substantiate this requirement for each of these services.
 - 28) Review the trauma center equipment list in Section 515.2030(q)(1)-(12). Submit a statement that the trauma center maintains that equipment.
 - 29) Review helicopter landing requirements in Section 515.2030(h)(1)-(4). Submit a statement regarding the helicopter landing.
 - 30) Review requirements in Section 515.2030(i)(1)-(4) for trauma center focused outcome analysis. Submit documentation to substantiate this requirement.
 - 31) Review policies in Section 515.2030(j)(1) for treating patients. Submit documentation to substantiate this requirement.
 - 32) Review criteria in Section 515.2030(j)(2) for clinical protocols.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Submit a statement that the trauma center will keep clinical protocols for management of trauma patients on file.
- 32) Review transfer criteria in Section 515.2030(l)(3). Submit documentation to substantiate this requirement.
 - 33) Review the blood alcohol policy criteria in Section 515.2030(l)(4). Submit documentation to substantiate this requirement.
 - 34) Review criteria in Section 515.2030(l)(5) regarding Trauma Nurse Specialist suspension.
 - 35) Review criteria in Section 515.2030(k) regarding trauma plan approval by the Department. Submit a statement that the trauma center will receive approval on changes to the Trauma Plan before implementing.
 - 36) Review the requirement in Section 515.2030(l) for the practices of the Trauma Center to reflect the protocols of the EMS Region and Trauma Center plan. Submit a statement that the practices of the Trauma Center reflect the protocols of the EMS Region and Trauma Center plan.
 - 37) Review the Trauma Flow Sheet criteria in Section 515.2030(m).
 - 38) Submit a Trauma Flow Sheet.
 - 39) Review criteria in Section 515.2030(n) for the Trauma Center Medical Director job description. Submit a job description.
 - 40) Review criteria in Section 515.2030(o) for the Trauma Coordinator job description. Submit job description.
 - 41) Review the criteria in Section 515.2030(p) for the trauma service to be supported in the facility budget. Submit documentation to substantiate this requirement.
 - 42) Review resource limitation criteria in Section 515.2030(q)(1) and (2)(A)-(C). Submit documentation to substantiate this requirement.
 - 43) Review the criteria for public information and education in Section 515.2030(r). Submit documentation to substantiate this requirement.
 - 44) Review criteria in Section 515.2030(a) for computer software. Submit documentation to substantiate this requirement.
 - 45) Review reporting scheduling details in Section 515.2030(d). Submit documentation to substantiate this requirement.
 - 46) Review the criteria for archiving data in Section 515.2030(e).
 - 47) Submit documentation to substantiate this requirement.
 - 48) Review pediatric trauma center designation criteria. Section 515.2035 provide a Trauma Plan that explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement or by waiver. Requests for waiver must include the requirement or standards with which it considers compliance to be a hardship and demonstrate how there will be no reduction in the standards of medical care. (Section 3.185 of the Act) The Trauma Plan must be submitted in the order listed in this Appendix A, subsection (C). Each section of the Plan must be referenced by the applicable portion of this Part by subsection number (e.g., the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

subsections referenced in this subsection (c)).

- 1) Table of Organization
 - A) Board of Directors
 - B) Chief Executive Officer
 - C) Department of Pediatric Surgery
 - D) Trauma Service
 - E) Department of Pediatrics
 - F) Department of Radiology
 - G) Emergency Medicine
 - H) Rehabilitation Department, including Occupational Therapy, Speech Therapy, and Physical Therapy.
 - I) Social Services
 - J) Dietary
 - K) Department of Psychiatry
- 2) Review criteria in Section 515.2035(a) and (b)(1) and (2) for the Department of Trauma and Surgery. Submit documentation to substantiate this requirement.
- 3) Review the criteria in Section 515.2035(c) for the Pediatric Trauma/General Surgeons. Submit documentation to substantiate this requirement.
- 4) Review requirements in Section 515.2035(c)(1)-(5) for resident coverage. Submit documentation to substantiate this requirement if residents are used. Otherwise, submit a statement that residents are not used.
- 5) Review requirements in Section 515.2035(c)(6) for treatment of isolated injuries. Submit documentation to substantiate this requirement.
- 6) Review requirements in Section 515.2035(d)(1)(A) and (B) for physicians to be on call to arrive at the hospital within 30 minutes or provide the service by transfer agreement. Submit documentation to substantiate this requirement.
- 7) Review requirements in Section 515.2035(d)(2)(A)-(I) for on-call physicians to arrive at the hospital to treat the patient within 60 minutes. Submit documentation to substantiate this requirement.
- 8) Review requirements in Section 515.2035(d)(3)(A)-(B) for burn care and acute spinal cord injury. Submit documentation to substantiate this requirement.
- 9) Review the criteria in Section 515.2035(e)(1) for a Department of Pediatrics. Submit documentation to substantiate this requirement.
- 10) Review the criteria in Section 515.2035(e)(2) for Emergency Physicians. Submit Appendix J.
- 11) Review criteria in Section 515.2035(e)(2)(A)-(C) for Anesthesiology Services. Submit documentation to substantiate this requirement.
- 12) Review criteria in Section 515.2035(e)(4)(A)-(C) for Radiology. Submit documentation to substantiate this requirement.
- 13) Review criteria in Section 515.2035(f)(5)(A) for Intensive Care Unit physician coverage. Submit documentation to substantiate this requirement.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 14) Review criteria in Section 515.2035(e)(5)(B) for ICU nurse coverage. Submit documentation to substantiate this requirement.
- 15) Review the ICU equipment list in Section 515.2035(e)(5)(C)(i)-(xi). Submit a statement that the trauma center maintains that ICU equipment.
- 16) Review the laboratory requirements in Section 515.2035(e)(6)(A)-(G). Submit a statement that the trauma center meets the laboratory requirements.
- 17) Review requirement in Section 515.2035(e)(7) for board certified pediatrician to be available in 60 minutes. Submit documentation to substantiate this requirement.
- 18) Review Pediatric Cardiology requirement in Section 515.2035(e)(8). Submit documentation to substantiate this requirement.
- 19) Review Neurology requirement in Section 515.2035(e)(9). Submit documentation to substantiate this requirement.
- 20) Review requirement in Section 515.2035(e)(10) for Postanesthetic Recovery, which may be fulfilled by ICU. Submit documentation to substantiate this requirement.
- 21) Review requirement in Section 515.2035(e)(11) for Acute Hemodialysis capability 24 hours a day. Submit documentation to substantiate this requirement.
- 22) Review requirement in Section 515.2035(e)(12) for Open Heart capability. Submit documentation to substantiate this requirement.
- 23) Review criteria in Section 515.2035(f)(1) for Emergency Department Director. Submit a curriculum vitae.
- 24) Review criteria in Section 515.2035(f)(2) for Trauma Nurse Specialists. Submit documentation to substantiate this requirement.
- 25) Review criteria in Section 515.2035(f)(3) for a full-time Trauma Coordinator. Submit documentation to substantiate this requirement.
- 26) Review criteria in Section 515.2035(f)(4) for Operating Room. Submit documentation to substantiate this requirement.
- 27) Review criteria in Section 515.2035(f)(5) for additional facility staff (Occupational Therapy, Speech Therapy, Physical Therapy, Social Service, Child Protective Services, Nutrition and Pediatric Psychiatry). Submit documentation to substantiate this requirement for each of these services.
- 28) Review the trauma center equipment list in Section 515.2035(g)(1)-(13). Submit a statement that the trauma center maintains that equipment.
- 29) Review budget requirements in Section 515.2035(h). Submit documentation to substantiate this requirement.
- 30) Review requirements for Level I, Section 515.2030(h)-(r). Submit policies for each.

d) Level II Designation Criteria, Section 515.2040

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Provide a Trauma Plan that explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement, or by waiver. Requests for waiver must include the requirement or standards with which it considers compliance to be a hardship and demonstrate how there will be no reduction in the standards of medical care. (Section 3.185 of the Act) The Trauma Plan must be submitted in the order listed in this Appendix A, subsection (d). Each section of the Plan must be referenced by the applicable portion of this Part by subsection number (e.g., the subsections referenced in this subsection (c)).

- 1) Table of Organization
 - A) Board of Directors
 - B) Chief Executive Officer
 - C) Department of Surgery
 - D) Trauma Service
 - E) Department of Medicine
 - F) Department of Radiology
 - G) Emergency Medicine
 - H) Rehabilitation Department, including Occupational Therapy, Speech Therapy, and Physical Therapy
 - I) Social Services
 - J) Dietary
 - K) Department of Psychiatry
- 2) Review the requirements in Section 515.2040(a) and (b) for the Trauma Director. Submit a curriculum vitae.
- 3) Review the criteria in Section 515.2040(c)(1) for all General and Trauma Surgeons. Complete Appendix G.
- 4) Review requirements in Section 515.2040(c)(2)-(6) for resident coverage. Submit documentation to substantiate this requirement if residents are used. Otherwise, submit a statement that residents are not used.
- 5) Review the requirement in Section 515.2040(c)(7) for a call schedule. Submit documentation to substantiate this requirement.
- 6) Review the requirements in Section 515.2040(c)(8) for treatment of isolated injuries. Submit documentation to substantiate this requirement.
- 7) Review requirements in Section 515.2040(d)(1)-(3) for physicians to be on call to arrive at the hospital within 60 minutes after notification that their services are needed at the hospital. Submit documentation to substantiate this requirement.
- 8) Review requirements in Section 515.2040(e)(1)-(10) for on-call physicians to arrive at the hospital to treat the patient within 60 minutes or provide the service by transfer agreement. Submit documentation to substantiate this requirement.
- 9) Review criteria in Section 515.2040(f)(1)(A)(i) and (ii) and (B) for Emergency Physicians. Submit Appendix H.
- 10) Review criteria in Section 515.2040(f)(2)(A) and (B) for Anesthesiology Services. Submit documentation to substantiate this requirement.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 11) Review the Laboratory requirements in Section 515.2040(f)(3)(A)-(G). Submit a statement that the trauma center meets the Laboratory requirements.
- 12) Review criteria in Section 515.2040(f)(4)(A) and (B) for Radiology. Submit a policy.
- 13) Review criteria in Section 515.2040(f)(5) for Cardiology. Submit documentation to substantiate this requirement.
- 14) Review criteria in Section 515.2040(f)(6) for Internal Medicine. Submit documentation to substantiate this requirement.
- 15) Review criteria in Section 515.2040(f)(7) for Neurology. Submit documentation to substantiate this requirement.
- 16) Review criteria in Section 515.2040(f)(8) for Postanesthetic Recovery. Submit documentation to substantiate this requirement.
- 17) Review criteria in Section 515.2040(f)(9)(A) for Intensive Care Unit physician coverage. Submit documentation to substantiate this requirement.
- 18) Review criteria in Section 515.2040(f)(9)(B) for ICU nurse coverage. Submit documentation to substantiate this requirement.
- 19) Review the ICU equipment list in Section 515.2040(f)(9)(C)(i)-(x). Submit a statement that the Trauma Center maintains that ICU equipment.
- 20) Review requirement for Pediatrics in Section 515.2040(f)(10). Submit documentation to substantiate this requirement.
- 21) Review requirement in Section 515.2040(f)(11) for Acute Hemodialysis capability in-house 24 hours a day. Submit documentation to substantiate this requirement.
- 22) Review criteria in Section 515.2040(g)(1) for Emergency Department Director. Submit a curriculum vitae.
- 23) Review criteria in Section 515.2040(g)(2) for Trauma Nurse Specialist. Submit documentation to substantiate this requirement.
- 24) Review criteria in Section 515.2040(g)(3) for a full time Trauma Coordinator. Submit a job description.
- 25) Review criteria in Section 515.2040(g)(4) for Operating Room. Submit documentation to substantiate this requirement.
- 26) Review criteria in Section 515.2040(g)(5) for additional facility staff (Occupational Therapy, Speech Therapy, Physical Therapy, Social Services, Dietary, and Psychiatry). Submit a policy for each of these services.
- 27) Review the trauma center equipment list in Section 515.2040(h)(1)-(12). Submit a statement that the trauma center maintains that equipment.
- 28) Review helicopter landing requirements in Section 515.2040(i)(1)-(3). Submit a statement regarding the helicopter landing.
- 29) Review requirements in Section 515.2040(i)(1)-(4) for Trauma Center focused outcome analysis. Submit documentation to substantiate this requirement.
- 30) Review policies in Section 515.2040(k)(1) for policies for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

treating patients. Submit documentation to substantiate this requirement.

31) Review criteria in Section 515.2040(k)(2) for clinical protocols. Submit a statement that the trauma center will keep clinical protocols for management of trauma patients on site.

32) Review the transfer criteria in Section 515.2040(k)(3). Submit documentation to substantiate this requirement.

33) Review the blood alcohol policy criteria in Section 515.2040(k)(4). Submit documentation to substantiate this requirement.

34) Review criteria regarding Trauma Nurse Specialist suspension in Section 515.2040(k)(5). Submit documentation to substantiate this requirement.

35) Review criteria in Section 515.2040(l) regarding Trauma Plan approval by the Department. Submit a statement that the Trauma Center will receive approval on changes to the Trauma Plan before implementing.

36) Review the requirement in Section 515.2040(m) for the practices of the Trauma Center to reflect the protocols of the EMS Region and Trauma Center plan. Submit a statement that the practices of the Trauma Center reflect the protocols of the EMS Region and Trauma Center plan.

37) Review the Trauma Flow Sheet criteria in Section 515.2040(n). Submit a Trauma Flow Sheet.

38) Review criteria in Section 515.2040(o) for the Trauma Center Medical Director job description. Submit a job description.

39) Review criteria in Section 515.2040(p) for the Trauma Coordinator job description. Submit job description.

40) Review the criteria in Section 515.2040(q) for the Trauma Service to be supported in the facility budget. Submit documentation to substantiate this requirement.

41) Review resource limitation criteria in Section 515.2040(r). Submit documentation to substantiate this requirement.

42) Review the criteria for public information and education in Section 515.2040(f). Submit documentation to substantiate this requirement.

43) Review the criteria in Section 515.2050(a) for computer software. Submit documentation to substantiate this requirement.

44) Review reporting data schedule in Section 515.2050(d). Submit documentation to substantiate this requirement.

45) Review the criteria for archiving data in Section 515.2050(e). Submit documentation to substantiate this requirement.

e) Level II Pediatric Trauma Center Designation Criteria, Section 515.2045

Provide a Trauma Plan that explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement or by waiver. Requests for waiver must include the requirement or standards with which it considers compliance to be a hardship and demonstrate how there will be no reduction in the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

standards of medical care. (Section 3.185 of the Act) The Trauma Plan must be submitted in the order listed in this Appendix A, subsection (e). Each section of the Plan must be referenced by the applicable portion of this Part by subsection number (e.g., the subsections referenced in this subsection (e)).

1) Table of Organization

A) Board of Directors

B) Chief Executive Officer

C) Department of Pediatric Surgery

D) Trauma Service

E) Department of Pediatric Medicine

F) Department of Radiology

G) Emergency Medicine

H) Rehabilitation Department, including Occupational Therapy, Speech Therapy, and Physical Therapy.

I) Social Services

J) Dietary

K) Department of Psychiatry

2) Review the criteria in Section 515.2045(a) and (b)(1) and (2)(A) and (B) for the Pediatric Trauma Director. Submit a curriculum vitae.

3) Review the criteria in Section 515.2045(c) for the Pediatric Trauma/General Surgeons. Submit documentation to substantiate this requirement.

4) Review requirements in Section 515.2045(c)(1)-(5) for resident coverage. Submit documentation to substantiate this requirement if residents are not used. Otherwise, submit a statement that residents are not used.

5) Review requirements in Section 515.2045(c)(6) for primary and back-up call schedule.

6) Review requirements in Section 515.2045(c)(7) for treatment of isolated injuries. Submit documentation to substantiate this requirement.

7) Review requirements in Section 515.2045(d)(1)-(4) for physicians to be on call to arrive at the hospital within 60 minutes. Submit documentation to substantiate this requirement.

8) Review requirements in Section 515.2045(e)(1)-(8) for on-call physicians to arrive at the hospital to treat the patient within 60 minutes or provide the service by transfer agreement. Submit documentation to substantiate this requirement.

9) Review the criteria in Section 515.2045(f)(1) for Emergency Physicians. Submit Appendix J.

10) Review criteria in Section 515.2045(f)(2)(A) and (B) for Anesthesiology Services. Submit documentation to substantiate this requirement.

11) Review the Laboratory requirements in Section 515.2045(f)(3)(A)-(G). Submit documentation to substantiate this requirement.

12) Review criteria in Section 515.2045(f)(4) for a Department of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Pediatrics. Submit documentation to substantiate this requirement.
- 13) Review criteria in Section 515.2045(f)(5)(A)-(C) for Radiology. Submit documentation to substantiate this requirement.
- 14) Review criteria in Section 515.2045(f)(6) for Pediatric Cardiology. Submit documentation to substantiate this requirement.
- 15) Review criteria in Section 515.2045(f)(7) for Neurology. Submit documentation to substantiate this requirement.
- 16) Review requirement in Section 515.2045(f)(8) for Postanesthetic Recovery. Submit documentation to substantiate this requirement.
- 17) Review criteria in Section 515.2045(f)(9)(A) for Intensive Care Unit physician coverage. Submit documentation to substantiate this requirement.
- 18) Review criteria in Section 515.2045(f)(9)(B) for ICU nurse coverage. Submit documentation to substantiate this requirement.
- 19) Review criteria in Section 515.2045(f)(9)(C) for ICU equipment list in Section 515.2045(f)(9)(C)(i)-(viii). Submit a statement that the trauma center maintains that ICU equipment.
- 20) Review requirement in Section 515.2045(f)(10) for Acute Hemodialysis capability 24 hours a day. Submit documentation to substantiate this requirement.
- 21) Review criteria in Section 515.2045(g)(1) for Emergency Department Director. Submit a curriculum vitae.
- 22) Review criteria in Section 515.2045(g)(2) for Trauma Nurse Specialists. Submit documentation to substantiate this requirement.
- 23) Review criteria in Section 515.2045(g)(3) for a full-time Trauma Coordinator. Submit a job description.
- 24) Review criteria in Section 515.2045(g)(4) for Operating Room. Submit documentation to substantiate this requirement.
- 25) Review criteria in Section 515.2045(g)(5) for additional facility staff (Occupational Therapy, Speech Therapy, Social Service, Child Protective Services and Pediatric Psychiatry). Submit documentation to substantiate this requirement for each of these services.
- 26) Review the trauma center equipment list in Section 515.2045(h)(1)-(13). Submit a statement that the trauma center maintains that equipment.
- 27) Review the criteria in Section 515.2045(i) for trauma service to be identified in the facility's budget. Submit documentation to substantiate this requirement.
- 28) Review requirements for Level II, Section 515.2040(i)-(s). Submit documentation to substantiate this requirement for each of the following:
 A) Helicopter
 B) Outcome analysis
 C) Clinical Protocols
 D) Department approval

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- E) Trauma Flow Sheet
 F) Medical Director job description
 G) Trauma Coordinator job description
 H) Trauma service in budget
 I) Resource limitation
 J) Public Information
- a) Name and address of hospital (typed)
 1) Specify the designation level for which your hospital is applying:
 A) Level I
 B) Level II
 2) The above named facility certifies that each requirement listed in this Request for Designation is met and will be operational by the date of designation:
 Typed name-CEO/Administrator
 Signature-CEO/Administrator--Date
 Typed name-Trauma-Director
 Signature-Trauma-Director--Date
 Contact person and phone
- b) Level I Designation Criteria
 Provide a Trauma Plan which explains how each of the requirements will be met--Options include provision of services in-house--by transfer agreement--or by waiver--Requests for waiver must include the request of a standards with which it considers compliance to be a hardship and demonstrate how there will be no reduction in the standards of medical care. Section 5105 of the Act--The Trauma Plan must be submitted in the order listed in this Appendix--A--Each section of the Plan must reference the applicable portion of this Part by subsection number.
 1) Table of Organization
 Construct a table of--Organization--to show the administrative relationships among all departments in the hospital--especially as they relate to the trauma service--in addition please include a separate table that shows the structure of the trauma services--The table must include but is not limited to:
 A) Board of Directors
 B) Chief Executive Officer
 C) Department of Surgery
 D) Trauma Service
 E) Department of Medicine
 F) Department of Radiology
 G) Emergency Department
 H) Rehabilitation Department
 2) Trauma Director Requirements
 A) Job Description--(Section 515.2039(a))
 B) Curriculum Vitae--(Section 515.2039(b))
 3) Surgical Services
 A) Description of the Trauma Service--(Section 515.2039(c))

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B7 Complete-Appendix-6-to-describe-the-trauma-surgeon-staffing
if-general-surgery-residents-are-used-to-fulfill-the-trauma-
surgeon-requirements-Provide-a-statement-regarding-the-level
of-training-ABOS-verification-independent-operating-room
providers-and-supervision-and-oversight-
Provide-a-statement-regarding-the-ability-to-meet-the
requirements-for-surgical-services-in-Section-515-2293(f)(1)
and-(f)(2)-Each-surgical-service-must-have-a-separate
statement-
4) Non-surgical-services-and-professional-staff
A) Emergency-Department-Director-Provide-board-certification
{Section-515-2030(f)(1)}
B) Emergency-Physicians-Complete-Appendix-11-((Section
515-2030(f)(1)(A)))
C) Emergency-Medicine-Registered-Nurse-and-Paramedic-Nurse
Specialty-requirements-(Section-515-2030(f)(2))-Provide-a
statement-that-describes-the-staffing-
B) Anesthesiology-Services-Provide-a-statement-that-describes
the-staffing-(Section-515-2030(f)(2))-
B) Radiology-staff-Describe-(Section-515-2030(f)(3))-
F) Intensive-Care-Medicine-Unit-Describe-bed-availability
two-has-authority-to-move-patients-into-to-allow-for
admission-of-new-patients-physician-responsible-for-trauma
patients-use-of-residents-and-nursing-staffing-(Section
515-2030(f)(4A))-and-(B))-Provide-a-statement-regarding
the-ability-to-meet-the-intensive-care-unit-equipment
requirements-(Section-515-2030(f)(4)(f))-
G) Laboratory-Provide-a-statement-regarding-the-ability-to
meet-the-requirements-(Section-515-2030(f)(f))-
H) Other-staffing-and-services-Provide-a-statement-regarding
the-ability-to-meet-requirements-((Section-
515-2030(f)(6)-(f)(3)-(f)(4)-(f)(f))-
5) Equipment-Provide-a-statement-regarding-the-trauma-center's
ability-to-provide-and-maintain-the-equipment-listed-in-Section
515-2030(g)(1)-(2)-
6) Helicopter-landing-Provide-documentation-to-substantiate-the
trauma-center-is-being-met-(Section-515-2030(h)(1)-(4))-
7) Medical-Audits-Provide-the-trauma-center-plan-to-perform
outcome-analysis-as-described-in-Section-515-2030(f)(1)-(3)-
Written-protocols-Provide-protocols-as-follows-
A) Protocols-and-policies-for-treating-patient-(Section
515-2030(f)(7)-(f)(4)-(f)(f))-
B) Minimum-trauma-Pediatric-Extracranial-(Section-515-Appendix
C)-
E) In-house-brings-policy-(Section-515-Appendix-F)-
F) transferring-patient-to-more-specialized-care-(Section
515-2030(f)(3))-Section-515-106(f)-
1) we-use-a-flow-sheet-keep-a-copy-of-the-facility-flow-sheet

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 10) Resource Allocation policy that meets the requirements of Section 515-2030(4)(7) and (8);
- 11) Trauma Center Uniform Reporting Requirements (Section 515-2050(4)-(7)). Provide a statement which includes:
- the equipment available to meet the requirements
 - staff committed to support the registry reporting requirement
 - process used to identify reportable cases
 - commitment to meet reporting deadlines
 - software to be used for reporting
- Level II Designation Criteria
- Provide a trauma plan which explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement or by waiver. Requests for waiver must include the requirement of standards with which it considers compliance to be a hardship and demonstrate how there will be no reduction in the standards of medical care. (Section 3-105 of the Act). Each section of the Trauma Plan must reference the applicable portion of this part by subsection number.
- 1) Table of Organization
- Construct a table of Organization to show the administrative relationships among all departments in the hospital, especially as they relate to the trauma service. In addition, please include a separate table that shows the structure of the trauma service. The table must include but is not limited to:
- A) Board of Directors
 - B) Chief Executive Officer
 - C) Department of Surgery
 - D) Trauma Service
 - E) Department of Medicine
 - F) Department of Radiology
 - G) Emergency Department
- 2) Trauma Director Requirements
- A) Job Description (Section 515-2040(a))
 - B) Curriculum Vitae (Section 515-2040(b))
- 3) Surgical Services
- A) Description of the trauma service (Section 515-2040(c))
 - B) Complete Appendix G to describe the trauma surgeon staffing and availability
 - C) If general surgery residents are used to fulfill the trauma surgeon requirement, provide a statement regarding the level of training, ABS verification, maintenance of operating room privileges and supervision and oversight.
 - D) Provide a statement regarding the ability to meet the requirements for surgical services in Section 515-2040(d)(4) and (e)(1)-(6) and (9). Each surgical service must have a separate statement.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 4) Non-surgical-services-and-professional-staff
 A) Emergency-----Physicians---Complete---Appendix---H---(Section 515:2040(f)(1))
 B) Emergency---Medicine---Registered---Nurse---and---Trauma---Nurse Speciality---requirements---(Section 515:2040(g)(2))---Provide-a statement-that-describes-the-staffing
 C) Anesthesiology-services-----Provide-a-statement-that-describes the-staffing---(Section 515:2040(f)(2))
 D) Radiology-staff-----Describe---(Section 515:2040(f)(4))
 E) Intensive-Care---Medicine---Unit---Describe---bed---availability (who---has---authority---to---move---patients---out---to---allow-for admission-of-new-patients-physician-responsible-for-trauma patients---use-of---residents---and-nursing-staffing---(Section 515:2040(f)(9)(A) and (B))
 F) Provide-a-statement-regarding the-ability-to-meet-the-intensive-Care---Unit-equipment requirements---(Section 515:2040(f)(9)(C))
 G) Laboratory---Provide-a-statement-regarding-the-ability-to meet-the-requirements---(Section 515:2040(f)(3)(A)-(G))
 H) Other---staffing-and-services---provide-a-statement-regarding the-ability-to-meet-requirements---(Section 515:2040(f)(5) (6)-(7)-(9)-(10)-(11))
 I) Equipment---Provide-a-statement-regarding-the-trauma-center-a ability-to-provide-and-maintain-the-equipment-listed-in-Section 515:2040(h)(1)-(12)
 J) Helicopter-landing---Provide-documentation-to-substantiate-the requirements-are-being-met---(Section 515:2040(i)(1)-(3))
 K) Medical-Audits---Provide-the-trauma-center-plan-to-perform outcome-analysis-as-described-in-Section 515:2040(j)(1)-(3)
 L) Written-protocols---Provide-protocols-as-follows:
 A) Protocols-and-policies-for-treating-patients---(Section 515:2040(k)(1) and (3))
 B) Minimum-Trauma-Field-Intake-Criteria---(Section 515:Appendix C)
 C) In-house-Intake-policy---(Section 515:Appendix-F)
 D) Transferring-patients-to-more-specialized-care---(Section 515:2040(l)(1)-(3)---Section 515:2050(f))
 E) Trauma-Flow-Sheet---Provide-a-copy-of-the-facility-flow-sheet (Section 515:2040(n))
 F) Resource-Initiation-policy-that-meets-the-requirements-of-Section 515:2040(g)(1)-(2)
 G) Trauma-Center---Uniform---Reporting---Requirements---(Section 515:2050(a)-(d))
 H) Provide-a-statement-which-includes:
 - the-equipment-available-to-meet-the-requirements
 - staff---Committed---to---support---the---registry-reporting requirement
 - process-used-to-identify-reportable-cases
 - commitment-to-meet-reporting-deadlines
 - software-to-be-used-for-reporting

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX H Credentials of Emergency Department Physicians Level I and Level II

-- List each physician by name

-- Indicate check full time or part time

--- Check all credentials that qualify physician for Illinois Trauma Center Emergency Departments Department

| <u>Physician Name</u> | <u>F= Full Time</u> <u>P= Part time</u> | <u>ABEM/AOBEM</u> <u>AOA Certified</u> <u>or Eligible</u> | <u>Trauma Center</u> <u>approved prior</u> <u>to 1/1/2000</u> | <u>CME</u> <u>approved</u> <u>year</u> <u>10 hrs. per</u> |
|-----------------------|--|---|---|--|
| Dr. [Name] | [F/P] | [Yes/No] | [Yes/No] | [Year] |

Signature
Hospital CEO/Administrator

Date _____

| Typed Name |
|----------------------------|
| Hospital CEO/Administrator |

(Source: Amended at 25 Ill. Reg. _____, effective _____)

[illegible]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515. APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers

List each surgeon by name

Check appropriate requirements met

Signed by CEO/Hospital Administrator

Meets requirements Section

| <u>515.2035(b) or</u> | <u>Meets requirements Section</u> |
|-----------------------|-----------------------------------|
| 515.2045(b) | 515.2035(c) or 515.2045(c) |

Surgeon Name

| Age Group | Percentage |
|-----------|------------|
| 18-24 | 65 |
| 25-34 | 75 |
| 35-44 | 80 |
| 45-54 | 85 |
| 55-64 | 90 |
| 65+ | 95 |

Signature _____

Hospital CEO/Administrator

Typed Name _____

Hospital CEO/Administrator

Date _____

| (Source: Added | at 25 | Ill. | Req. | , effective |
|----------------|-------|------|------|-------------|
| | | | | |

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515. APPENDIX J. Credentials of Emergency Department Physicians: Level I and Level II Pediatric Trauma Centers

List each physician by name

Indicate full or part-time

Check all credential that qualify physician for Illinois Trauma Center
Emergency Departments

ABEM/AOBEM AOA

Certified or Prepared (Ed Director must be certified)

physician
F= Full Time

10 hrs. per year
approved CME & daily
involvement in pediatric
trauma care

Signature _____

Hospital CEO/Administrator

| |
|------------|
| Typed Name |
|------------|

Hospital CEO/Administrator

Date _____

| (Source: Added | at 25 | Ill. | Req. | effective |
|----------------|-------|------|------|-----------|
| | | | | |

| (Source: Added | at | 25 |
|----------------|----|----|
| | | |

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3)

| Section Numbers: | Proposed Action: |
|------------------|------------------|
| 300.3410 | Repealer |
| 300.3420 | Repealer |
| 300.3430 | Repealer |
| 300.3440 | Repealer |
| 300.3450 | Repealer |
| 300.3460 | Repealer |
| 300.3470 | Repealer |
| 300.3480 | Repealer |
| 300.3490 | Repealer |
| 300.3500 | Repealer |
| 300.3510 | Repealer |
| 300.3520 | Repealer |
| 300.3530 | Repealer |
| 300.3540 | Repealer |
| 300.3550 | Repealer |
| 300.3560 | Repealer |
| 300.3570 | Repealer |
| 300.3580 | Repealer |
| 300.3590 | Repealer |
| 300.3600 | Repealer |
| 300.3610 | Repealer |
| 300.3620 | Repealer |
| 300.3630 | Repealer |
| 300.4000 | New Section |
| 300.4010 | New Section |
| 300.4020 | New Section |
| 300.4030 | New Section |
| 300.4035 | New Section |
| 300.4040 | New Section |
| 300.4050 | New Section |
| 300.4060 | New Section |
| 300.4070 | New Section |
| 300.4080 | New Section |
| 300.4090 | New Section |
| 300.6000 | New Section |
| 300.6005 | New Section |
| 300.6010 | New Section |
| 300.6020 | New Section |
| 300.6030 | New Section |
| 300.6035 | New Section |
| 300.6040 | New Section |
| 300.6045 | New Section |
| 300.6047 | New Section |
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- 300.6050 New Section
- 300.6060 New Section
- 300.6070 New Section
- 300.6080 New Section
- 300.6090 New Section
- 300.6095 New Section
- APPENDIX G
- 4) Statutory Authority: Nursing Home Care Act [210 ICs 45]
- 5)

A. Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 91-799, effective June 13, 2000, which amended the Nursing Home Care Act to require the Department to promulgate rules regarding the provision of services, including assessment, care planning, discharge planning, and treatment, by nursing facilities to residents who have a serious mental illness.

Subpart Q is being repealed. This category of facilities does not exist, and the rules need to be repealed so as to avoid confusion with new Subparts S and T.

Subpart S is being added to govern the provision of services to current nursing home residents who have a primary diagnosis of severe mental illness, as defined in the rule. Facilities providing such services will be required to comply with Subpart S by January 1, 2002, and will also be required to maintain compliance with the remainder of Part 300. Subpart S includes requirements for assessment, individualized treatment plans, discharge plans, residential services, work programs, community-based rehabilitation programs, and personnel.

Subpart T is being added to govern facilities participating in the Illinois Department of Public Aid's Demonstration Program for providing services to persons with mental illness. Criteria that must be met by facilities subject to Subpart T are set forth in Section 300-6000. The amendments also include requirements for quality assessment and improvement, resident assessment, individualized treatment plans, incident and accident reporting, medical care, residential services, discharge plans, work programs, community-based rehabilitation programs, personnel, and training and education.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? Yes
- | | | |
|-----------------|-----------------|--------------------|
| Section Numbers | Proposed Action | Ill. Reg. Citation |
| 300.1020 | Amendment | 24 Ill. Reg. 13309 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:
- Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us
- These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.
- Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.
- 12) Initial Regulatory Flexibility Analysis:
- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: long-term care facilities
 - B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Procedures are set forth in the proposed amendments.
 - C) Types of Professional Skills Necessary for Compliance: Skills necessary to provide services to nursing home residents who have a serious mental illness, as set forth in the proposed amendments.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

| Section | |
|---------|--|
| 300.110 | General Requirements |
| 300.120 | Application for License |
| 300.130 | Licensee |
| 300.140 | Issuance of an Initial License for a New Facility |
| 300.150 | Issuance of an Initial License Due to a Change of Ownership |
| 300.160 | Issuance of a Renewal License |
| 300.163 | Alzheimer's Special Care Disclosure |
| 300.165 | Criteria for Adverse Licensure Actions |
| 300.170 | Denial of Initial License |
| 300.175 | Denial of Renewal of License |
| 300.180 | Revocation of License |
| 300.190 | Experimental Program Conflicting With Requirements |
| 300.200 | Inspections, Surveys, Evaluations and Consultation |
| 300.210 | Filing an Annual Attested Financial Statement |
| 300.220 | Information to Be Made Available to the Public By the Department |
| 300.230 | Information to Be Made Available to the Public By the Licensee |
| 300.240 | Municipal Licensing |
| 300.250 | Ownership Disclosure |
| 300.260 | Issuance of Conditional Licenses |
| 300.270 | Monitor and Receivership |
| 300.271 | Presentation of Findings |
| 300.272 | Determination to Issue a Notice of Violation or Administrative Warning |
| 300.274 | Determination of the Level of a Violation |
| 300.276 | Notice of Violation |
| 300.277 | Administrative Warning |
| 300.278 | Plans of Correction |
| 300.280 | Reports of Correction |
| 300.282 | Conditions for Assessment of Penalties |
| 300.284 | Calculation of Penalties |
| 300.286 | Determination to Assess Penalties |
| 300.288 | Reduction or Waiver of Penalties |
| 300.290 | Quarterly List of Violators (Repealed) |
| 300.300 | Alcoholism Treatment Programs In Long-Term Care Facilities |
| 300.310 | Department May Survey Facilities Formerly Licensed |
| 300.315 | Supported Congregate Living Arrangement Demonstration |
| 300.320 | Waivers |
| 300.330 | Definitions |

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
300.510 Administrator

SUBPART C: POLICIES

Section
300.610 Resident Care Policies
300.610 Determination of Need Screening
300.615 Admission and Discharge Policies
300.620 Contract Between Resident and Facility
300.630 Residents' Advisory Council
300.640 Personnel Policies
300.650 Initial Health Evaluation for Employees
300.655 Nursing Assistants
300.660 Health Care Worker Background Check
300.661 Resident Attendants
300.662 Registry of Certified Nursing Assistants
300.663 Student Interns
300.665 Disaster Preparedness
300.670 Restraints
300.680 Nonemergency Use of Physical Restraints
300.682 Emergency Use of Physical Restraints
300.684 Unnecessary, Psychotropic, and Antipsychotic Drugs
300.686 Serious Incidents and Accidents
300.690

SUBPART D: PERSONNEL

Section
300.810 General
300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section
300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1035 Life-Sustaining Treatments
300.1040 Behavior Emergencies (Repealed)
300.1050 Dental Standards

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

SUBPART F: NURSING AND PERSONAL CARE

Section
300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
300.1230 Staffing
300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section
300.1410 Activity Program
300.1420 Specialized Rehabilitation Services
300.1430 Work Programs
300.1440 Volunteer Program

SUBPART H: MEDICATIONS

Section
300.1610 Medication Policies and Procedures
300.1620 Conformance With Physician's Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section
300.1810 Resident Record Requirements
300.1820 Content of Medical Records
300.1830 Records Pertaining to Residents' Property
300.1840 Retention and Transfer of Resident Records
300.1850 Other Resident Record Requirements
300.1860 Staff Responsibility for Medical Records
300.1870 Retention of Facility Records
300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section
300.2010 Director of Food Services
300.2020 Dietary Staff in Addition to Director of Food Services
300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Meal Planning
300.2060 Therapeutic Diets (Repealed)
300.2070 Scheduling Meals
300.2080 Menus and Food Records

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

300.2090 Food Preparation and Service
300.2210 Food Handling Sanitation
300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
300.2210 Maintenance
300.2220 Housekeeping
300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
200.2410 Furnishings
300.2420 Equipment and Supplies
300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
300.2610 Codes
300.2620 Water Supply
300.2630 Sewage Disposal
300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.2810 Applicability of These Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural
300.2920 Mechanical Systems
300.2930 Plumbing Systems
300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section
300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section
300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract Right of Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section
300.3410 Application of Other Sections Divisions of These Minimum Standards
(Repealed)
300.3420 Administrator (Repealed)
300.3430 Policies (Repealed)
300.3440 Personnel (Repealed)
300.3450 Resident Living Services Medical and Dental Care (Repealed)
300.3460 Resident Services Program (Repealed)
300.3470 Psychological Services (Repealed)
300.3480 Social Services (Repealed)
300.3490 Recreational and Activities Services (Repealed)
300.3500 Individual Treatment Plan (Repealed)
300.3510 Health Services (Repealed)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

| | |
|----------|--|
| 300.3520 | Medical Services (Repealed) |
| 300.3530 | Dental Services (Repealed) |
| 300.3540 | Optometric Services (Repealed) |
| 300.3550 | Audiometric Services (Repealed) |
| 300.3560 | Podiatric Services (Repealed) |
| 300.3570 | Occupational Therapy Services (Repealed) |
| 300.3580 | Nursing and Personal Care (Repealed) |
| 300.3590 | Resident Care Services (Repealed) |
| 300.3600 | Record Keeping (Repealed) |
| 300.3610 | Food Service (Repealed) |
| 300.3620 | Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed) |
| 300.3630 | Design and Construction Standards (New and Existing Facilities) (Repealed) |
| | SUBPART R: DAYCARE PROGRAMS |
| | Day Care in Long-Term Care Facilities |

SUBPART S: PROVIDING SERVICES TO PERSONS WITH MENTAL ILLNESS

| | |
|----------|---|
| Section | Applicability of Subpart S |
| 300.4000 | Comprehensive Assessments for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4010 | Reassessments for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4020 | Individualized Treatment Plan for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4030 | Individualized Treatment Plan for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4035 | Choosing to Retire from Active Psychiatric Rehabilitation Residing in Facilities Subject to Subpart S |
| 300.4040 | General Requirements for Facilities Subject to Subpart S |
| 300.4050 | Residential Services for Facilities Subject to Subpart S |
| 300.4060 | Discharge Plans for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4070 | Work Programs for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4080 | Community Based Rehabilitation Programs for Residents with Mental Illness Residing in Facilities Subject to Subpart S |
| 300.4090 | Personnel for Providing Services to Persons with Mental Illness for Facilities Subject to Subpart S |

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING SERVICES TO PERSONS WITH MENTAL ILLNESS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

| | |
|----------|---|
| Section | Applicability of Subpart T |
| 300.6000 | Quality Assessment and Improvement for Facilities Subject to Subpart T |
| 300.6005 | Comprehensive Assessments for Residents of Facilities Subject to Subpart T |
| 300.6010 | Reassessments for Residents of Facilities Subject to Subpart T |
| 300.6020 | Individualized Treatment Plan for Residents of Facilities Subject to Subpart T |
| 300.6030 | Individualized Treatment Plan for Residents with Mental Illness Choosing to Retire from Active Psychiatric Rehabilitation Residing in Facilities Subject to Subpart T |
| 300.6035 | General Requirements for Facilities Subject to Subpart T |
| 300.6040 | Serious Incidents and Accidents in Facilities Subject to Subpart T |
| 300.6045 | Medical Care Policies for Facilities Subject to Subpart T |
| 300.6047 | Residential Services for Facilities Subject to Subpart T |
| 300.6050 | Discharge Plans for Residents of Facilities Subject to Subpart T |
| 300.6060 | Work Programs for Residents of Facilities Subject to Subpart T |
| 300.6070 | Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T |
| 300.6080 | Personnel for Providing Services to Residents of Facilities Subject to Subpart T |
| 300.6090 | Training and Continuing Education for Facilities Subject to Subpart T |

| | |
|------------|---|
| APPENDIX A | Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed) |
| APPENDIX B | Classification of Distinct Part of a Facility for Different Levels of Service (Repealed) |
| APPENDIX C | Federal Requirements Regarding Patients'/Residents' Rights (Repealed) |
| APPENDIX D | Forms for Day Care in Long-Term Care Facilities |
| APPENDIX E | Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed) |
| APPENDIX F | Guidelines for the Use of Various Drugs |
| APPENDIX G | Facility Report |
| TABLE A | Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities |
| TABLE B | Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities |
| TABLE C | Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities |
| TABLE D | Heat Index Table/Apparent Temperature |

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 43].

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 329, p. 311, effective March 8, 1992, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1992, amended at 6 Ill. Reg. 6454, effective May 14, 1992; amended at 6 Ill. Reg. 8198, effective June 29, 1992; amended at 6 Ill. Reg. 11631, effective September 14, 1992; amended at 6 Ill. Reg. 14684, effective November 15, 1992; amended at 8 Ill. Reg. 285, effective December 22, 1992; amended at 7 Ill. Reg. 1972, effective January 28, 1993; amended at 7 Ill. Reg. 9579, effective July 11, 1993; amended at 7 Ill. Reg. 15831, effective November 10, 1993; amended at 7 Ill. Reg. 15864, effective November 15, 1993; amended at 7 Ill. Reg. 16992, effective December 14, 1993; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1994; amended at 8 Ill. Reg. 15947, effective August 17, 1994; amended at 8 Ill. Reg. 16999, effective September 5, 1994; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1994; amended at 8 Ill. Reg. 24658, effective December 7, 1994; amended at 8 Ill. Reg. 25102, effective December 14, 1994; amended at 9 Ill. Reg. 132, effective December 26, 1994; amended at 9 Ill. Reg. 4087, effective March 15, 1995; amended at 9 Ill. Reg. 11049, effective July 1, 1995; amended at 11 Ill. Reg. 16927, effective October 1, 1997; amended at 12 Ill. Reg. 1052, effective December 24, 1997; amended at 12 Ill. Reg. 16811, effective October 1, 1998; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1998, for a maximum of 150 days; emergency expired March 23, 1999; amended at 13 Ill. Reg. 4684, effective March 24, 1999; amended at 13 Ill. Reg. 5134, effective April 1, 1999; amended at 13 Ill. Reg. 20089, effective December 1, 1999; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19504, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 19, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 23 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. _____,

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

effective _____.

SUPPORT Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section 300.340 Application of Other Sections of These Minimum Standards
(Repealed)

- a) A-Specialized-living-Facility is an experimental program--designed--to provide--psychosocial--rehabilitation--and--training--personal--care--psychiatric--care--and medical/nursing services--to persons--not--in--need of hospital--psychiatric--programming.
- b) the residents of a Specialized-living-Facility are to be persons--who are--chronically--mentally--ill--and--who--would--benefit--from--residential treatment--the following are the types of characteristics--exhibited by a resident of a Specialized-living-Facility:
- 1) inability to adjust to an open setting
 - 2) episodic-aggressive-or-hostile behavior
 - 3) persistent-or-bizarre-psychotic-symptoms
 - 4) lack-of-internal-controls
 - 5) drug-and/or--alcohol--abuse--which--complicates-treatment-of-the-mental-disability
 - 6) very-inadequate-psychosocial-functioning-in-basic-activities--of-daily--living--(FAB)--community--survival--skills--social-interaction--etc.
 - 7) low-motivation-or--resistance--in--following--treatment-regimen-respectively-medication-compliance)
 - 8) specific-behaviors-unacceptable--in-current-settings--such--as-carelessness-with-smoking-materials-self-exposure--etc.
 - 9) appearances-and/or--actions--threatening-to-the-community--though-perhaps-not-dangerous
 - 10) depression--history--of--self-destructive-behavior--or--repeated-attempts
- c) Prior--to--requesting-an-application-for-licensure--the applicant must provide-a-letter-from-the-Director-of-the-Department-of-Mental-Health-and-Developmental-Disabilities--that--the applicant-is-authorized-to-participate-in-the-program--Since--the--program--is--experimental--the Department-of-Mental-Health-and-Developmental-Disabilities--will determine--the-number-of-facilities-allowed-to-participate--Existing facilities-licensed-by-the-IDPH-are--not--eligible--for--this-program without--a-letter-from-the-Director-of-the-Department-of-Mental-Health-and-Developmental-Disabilities
- d) A-Specialized-living-Facility-is-not-eligible-for-certification-as-a-provider-of-care-under-title-XIII-of-the-Mix-of-the-Federal-Social-Security-Act-(42-U.S.C.A.1995-et-seq. or 42-U.S.C.A.1396-et-seq.)--the-standards-and-regulations-stated--in--this--part--shall-apply--to Specialized-living-Facilities-unless-indicated-otherwise--in-this Subpart-by-substitution-and/or-additions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3420 Administrator (Repealed)

The licensed administrator shall also be either a licensed psychiatrist, registered psychologist or a certified social worker and must have had a minimum of five (5) years of experience working with the chronically mentally ill, including at least two (2) years in a residential setting. (B-C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3430 Policies (Repealed)

- a) Section 300.620(c)(1) which prohibits the admission of persons in need of mental treatment as defined in the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1993) ch. 91-1/2, par. 1-100 et seq. is not applicable to Specialized Living Facilities.
- b) Direct Care Aides must either meet Section 300.660(a)(1) or shall successfully complete a Department of Mental Health and Developmental Disabilities approved Mental Health technician or Specialist training course as indicated by written documentation from the Department of Mental Health and Developmental Disabilities within 120 days of employment, unless previously completed. Equivalency may also be established by meeting the requirements under Section 350.680(a) of the Minimum Standards, Rules and Regulations for Intermediate Care Facilities for the Developmentally Disabled (72 Ill. Adm. Code 350). Section 300.680(a) of the Minimum Standards, Rules and Regulations for Long Term Care Facilities for Persons Under 22 Years of Age (77 Ill. Adm. Code 390) and Section 245.70 of the Minimum Standards, Rules and Regulations for Home Health Agencies (77 Ill. Adm. Code 245) (B-C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3440 Personnel (Repealed)

- a) In addition to meeting the personnel requirements contained in Section 300.810 of this Part, each facility shall have at a minimum one licensed nurse, a clinical psychologist or physician on duty at all times. (A, B-C)
- b) Each facility shall obtain a minimum of twenty (20) hours of on-site psychiatric consultation per week. If the administrator happens to be a psychiatrist, he/she may not provide more than ten (10) of these hours of psychiatric consultation per week. If the administrator is not a psychiatrist, the administrator does provide psychiatric consultation up to ten (10) such hours may be counted toward the full time

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

requirement of the administrator set forth in Section 300.510 of this Part. (B-C)

c) If clinically indicated, necessary by the administrator, each facility shall have at least one consultant a minimum of 4 hours per week who can advise on programming for clients with secondary diagnoses of alcohol/chemical abuse. (B-C)

d) Specialized living facilities do not need to make arrangements for consultation from a Registered Medical Records Consultant as set forth in Sections 300.930(f) and 300.1036.

e) Each specialized living facility shall have a Human Rights Committee which shall review at least quarterly the care, treatment and protection of the human rights of individual residents. This committee shall consist of equal numbers of staff, residents or their representatives and persons from outside the facility such as doctors, lawyers, parents, friends and advocates. This committee shall review all issues brought by residents, staff, administration, parents and advocates and resolve them in a manner consistent with the legal and human rights of individual residents. Each facility shall have written policies which are followed concerning the composition, duties and operation of the Human Rights Committee. (A, B-C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3450 Resident Living Services Medical and Dental Care (Repealed)

Subpart B Medical and Dental Care of Residents shall not apply to a Specialized living facility.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3460 Resident Services Program (Repealed)

- a) The facility shall provide either directly or through arrangements with an outside resource as needed by the individual resident, all resident living services, training and guidance necessary in the activities of daily living and in the development of self-help skills for maximum independence. These services shall consist of at a minimum the following:
- 1) Psychological Services (as defined in Section 300.3470) (B-C)
 - 2) Social Services (as defined in Section 300.3480) (B-C)
 - 3) Organized Recreational Activities Services (as defined in Section 300.3490) (B-C)
- b) The facility shall provide in its initial application and through subsequent reports as required by the Department of Mental Health and Developmental Disabilities a delineated treatment philosophy combined with an integrated program description covering its Resident Services:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

this description shall include--specific services--and approaches--admission--and discharge--criteria--detailed--scheduled--staffing patterns--staff training program--records system design--and resources outside the facility which are used--for referral--or consultation--These revised admission descriptions will be subject to initial and continued review and approval by the Department of Mental Health and Developmental Disabilities--including on site surveys--(By-C)

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 300.3470 Psychological Services (Repealed)

- a) Psychological services shall be provided to residents directly through contact with psychologists and on facility through the psychologists--consultation with other persons involved--in psychological testing/psychosocial rehabilitation and training and/or behavior modification of residents--(By-C)
- b) Psychologists shall maintain in the continuing interdisciplinary evaluation of individual residents the role of assessing and monitoring individual skill training and behavioral programs. This participation shall occur at least every two months--(By-C)
- c) Psychologists shall participate in the development of written and individualized skill training and behavioral program plans. These plans shall be reviewed and updated at least quarterly--they shall be designed to maximize each resident's development and acquisition of

- 1) Orientation and management skills--(By-C)
- 2) Stress management skills--(By-C)
- 3) Sensorimotor and perceptual skills--(By-C)
- 4) Integration--(By-C)
- 5) Social and communication skills--(By-C)
- 6) Self-care and grooming skills--(By-C)
- 7) Health maintenance skills--(including self-medication training)--(By-C)

- 8) Literacy and basic arithmetic skills--(By-C)
- 9) Independent community living skills--(By-C)
- 10) Leisure time management--(By-C)

- d) In addition to meeting the personnel requirements contained in Section 300.810 of this Part, the facility shall employ not less than one full-time--Registered--Psychologist--to carry out the various psychological service activities in accordance with the needs of the following functions:

- 1) Psychological services--to residents--including evaluation, consultation--therapy--and program development--(By-C)

- 2) Administration and supervision of psychological services--(By-C)

(Source: Repealed at Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 300.3480 Social Services (Repealed)

- a) Social services as part of an interdisciplinary spectrum of services shall be provided to the residents through the use of social work methods directed toward:

- 1) Maximizing the social functioning of each resident--(By-C)
- 2) Enhancing the coping capacity of the resident or his family--(By-C)

- 3) Providing psychosocial rehabilitation services--(By-C)
- 4) Asserting and safeguarding the human and civil rights of residents and their families and fostering the human dignity and personal worth of each resident--(By-C)

- b) Facility social work staff shall assess persons referred to the facility to determine how its programs could be beneficial.

- c) Social workers shall participate at least every two months in the continuing interdisciplinary evaluation of individual residents for the purposes of initiating monitoring and follow-up on individualized skill training and behavioral programs--(By-C)

- d) During the resident's admission to and while receiving services in the facility the social work staff shall provide liaison between the facility--the facility, the family and the community so as to help the facility staff to:

- 1) Individualize and understand the needs of the resident and his/her family in relation to each other--(By-C)
- 2) Understand social factors--including staff resident relationships--in the resident's day-to-day behavior--(By-C)
- 3) Prepare the resident for changes in his living situation--(By-C)

- e) Social workers shall support the resident's experience in the facility through--(By-C)

- 1) Counseling--crisis--intervention--and conflict resolution--in response to problems the resident may have with other resident staff or family members--(By-C)

- 2) Referral to specific outside services as appropriate--(By-C)

- 3) Help the family to participate in planning for the return to home or other community placement--(By-C)

- f) Social workers assistants or aides employed by the facility shall work under the supervision of a Qualified Social Worker--(By-C)

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 300.3490 Recreational and Activities Services (Repealed)

- a) Recreational and activity services shall be provided in accordance with Section 300.140. These services shall be coordinated with other services and programs provided the resident in order to make full use

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- possible use of the facility's resources and to maximize benefits to the residents--(B)-(C)
- b) Equipment and supplies shall be provided to carry out the activities programs--(B)-(C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3500 Individual Treatment Plan (Repealed)

- a) Each resident shall have an individual evaluation which shall
- i) Be based upon the use of empirically reliable and valid instruments such as Spitzer and Endicott's Schedule for Affective Disorders and Schizophrenia--Overall and Gorman's Brief Psychiatric Rating Scale--and the Hamilton Rating Scale--for Depression whenever such tools are available--(B)-(C)
- 2) Provide the basis for prescribing a program of psychosocial rehabilitation--behavior management--and skill--training experiences for the resident--(B)-(C)
- b) There shall be written treatment and training objectives for each resident that are:
- i) Based upon all diagnostic and prognostic data--(B)-(C)
- 2) Stated in specific behavioral terms that permit the progress of the individual to be assessed--(B)-(C)

- c) There shall be a written record for each resident maintained by and available to the facility staff which provides specific details concerning methods utilized, progress and problems for individual behavioral and skill training objectives--(B)-(C)
- d) All resident services shall be coordinated through an integrated individual treatment plan--this plan shall be developed by an interdisciplinary team composed of representatives of each professional discipline and service represented in the facility. Documentation of the treatment plan's implementation, results, plan review and recommendation for the range of services provided in a specified living facility will be maintained in an integrated individual record for each resident--(B)-(C)
- e) Referral or rehabilitation programs shall be provided residents with hearing vision perceptual or motor impairment in cooperation with staff--(B)-(C)
- f) There shall be personnel to carry out the behavioral and skill training program. Supervision of delivery of behavioral and skill training services shall be the responsibility of a person who is a registered psychologist--(B)-(C)
- g) There shall be a formal interdisciplinary review of individualized treatment programs and/or service plans no less often than every two (2) months to insure continuing appropriateness of service planning consistency of management methods with planning and the achievement of resident progress toward stated goals--the resident's attending

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- psychiatrist shall participate as clinically indicated but no less often than every four (4) months--(B)-(C)
- h) The facility shall have an in-house work activity program certified by the United States Department of Labor pursuant to the 1993 edition of 29--CFR--525--Employment of--Handicapped--Clients--in--Sheltered Workshops--but no subsequent edition of those regulations--(B)-(C)
- i) Records shall be maintained for each resident functioning in these programs--these shall show appropriateness of the work activity program to the individual and the resident's response to the program--these records shall become a part of the resident's record--(B)-(C)
- 2) Residents shall not be used to replace employed staff--(B)-(C)
- j) The facility shall designate a vocational services coordinator whose responsibility shall be to coordinate the work activity program--the vocational services coordinator shall have at least a bachelor's degree and at least one year's experience with the mentally ill in a vocational setting--(B)-(C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3510 Health Services (Repealed)

The facility shall provide all services necessary to maintain each resident in good physical health--these services include but are not limited to--the following:

- a) Medical services--including a complete physical examination at least annually and formal arrangements to provide treatment for medical emergencies on a twenty-four (24) hour seven (7) day a week basis--(A)-(B)-(C)
- b) Nursing services to provide immediate supervision of the health needs of each resident by a registered professional nurse or a licensed practical nurse--(A)-(B)-(C)
- c) Dental services to provide evaluation, diagnosis, treatment and annual review including care for dental emergencies--administered by or under the supervision of a dentist licensed in the State to practice dentistry or dental surgery--(A)-(B)-(C)
- d) Occupational therapy services for purposes of initiating monitoring and follow-up of individualized treatment programs rendered by or under the supervision of a physician with special training or experience in the specialty or an occupational therapist--(A)-(B)-(C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3520 Medical Services (Repealed)

- e) The facility shall have a written program pursuant to Section 380.1040

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- b) Where that be a written financial or nonfinancial agreement for the provision of licensed medical care for the facility, including care for the residents and other medical emergencies on a twenty-four (24) hour, seven (7) day a week basis, the facility shall have an advisory physician who is licensed to provide medical services in Illinois to provide advice on facility health conditions and practices on the facility for 24
- c) Each resident shall have available two services or a licensed psychiatrist, the physician shall participate as a member of the interdisciplinary team to have continuous evaluation of individual residents for the purposes of initiating monitoring and following upon individualized management programs (B)(1)-(B)(4)
- d) The admission and medical records shall include a diagnosis and summary of present medical findings, a review of psychological and physical functioning, capacity and appropriate medical services, including orders for medication. Furthermore, the medical record shall include specific procedures recorded for the health and safety of the resident, activities and plans for the resident, a social history, and this information is not to be received within forty-eight (48) hours of admission. If the facility determines that a resident has become unmanageable, he shall be examined by a physician and/or a psychiatrist. This medical examination shall be made within a time of 48 hours. A psychologist and/or members of other appropriate professional disciplines should be consulted. (B)(1)-(3)
- e) No facility initiated on-site study occurs without the concurrence of the treatment. Psychiatric services are not to be provided to the residents except as a service to the facility. (B)(1)-(3)-(4)-(5)-(6)-(7)-(8)-(9)
- f) If a resident is placed in a behavior modification program pursuant to an individualized treatment/service plan, the day of restriction to a given area or room for a period of time not to exceed 30 days, must be 24
- g) If restraints are clinically determined by a physician, a psychologist or licensed nurse to be necessary to prevent a resident from harming himself or herself, the requirements of the Mental Health and Developmental Disabilities Code will apply. State 1993-1994, 91-1279, part 2, (B)(1)-(B)(2) shall be observed. Restraints shall only be utilized until the process of treatment to a hospital for admission evaluation can be accomplished or until a physician determines that such restraints are no longer clinically necessary. (B)(1)-(4)
- h) Secured settings may be utilized for residents demonstrating a lack of internal controls and/or episodic aggressive or hostile behaviors. If a secured setting is clinically determined by a physician, psychologist or licensed nurse to be necessary, the requirements of the Mental Health and Developmental Disabilities

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- Disabilities Code (331-Rev. Stat., 1903, ch. 91-1/2, Part 2-2) shall be observed.---(B)-(C)
- h) The reason for ordering and using restraints shall be recorded in the clinical record---there shall be written policies which are followed in the operation of the facility covering the use of restraints which shall be consistent with the rules contained in this Part---(f)
- (Source: Repealed at 25 Ill. Reg. _____, effective _____)
- 300.3530 Dental Services (Repealed)
- a) There shall be comprehensive diagnostic dental services for all residents which include a complete extra- and intraoral examination utilizing all diagnostic aids complete extra- and intraoral examination evaluate the resident's oral condition within a period of one (1) month following admission unless such an examination was done within six (6) months of admission and the results are received and reviewed by the facility and are entered in the resident's record.---(B)-(C)
- b) There shall be written agreement with a dentist which shall provide comprehensive treatment services for all residents.---these services shall include but not be limited to:
- 1) Provision for dental treatment.---(B)-(C)
 - 2) Provision for emergency treatment on a twenty-four (24) hour seven (7) days a week basis by a dentist.---(B)-(C)
 - 3) A recall system that will assure that each resident is reexamined at specific intervals in accordance with his needs as determined by the dentist but at least annually.---(B)-(C)
- c) There shall be education and training in the maintenance of oral health and a dental hygiene program that includes imparting information regarding nutrition and diet control measures to residents and staff and instruction of residents and staff in proper oral hygiene methods.---(B)-(C)
- d) A permanent dental record shall be maintained for each resident by the facility.---A summary dental progress report shall be entered in the resident's record within thirty (30) days of dental treatment.---A copy of the permanent dental record shall be provided a facility to which a resident is transferred.---(B)-(C)
- e) All dentists providing services to the facility shall be fully licensed to practice in the State of Illinois. All dental hygienists providing services to the facility shall be licensed to practice in the State of Illinois.---(B)-(C)
- (Source: Repealed at 25 Ill. Reg. _____, effective _____)
- 300.3540 Optometric Services (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) Within sixty (60) days of admission each resident shall have an eye examination performed by an optometrist or ophthalmologist licensed by the State of Illinois. Should the resident however have had a documentable optometric examination within twelve months of admission and is not currently experiencing visual difficulties, the admission examination requirement is considered to be satisfied. (B7-E)
- b) Each resident shall be seen thereafter by his/her optometrist or ophthalmologist as often as the optometrist or ophthalmologist determines is necessary to assure adequate eye care. In no case should the interval between eye examinations exceed two years. (B7-E)
- c) A permanent optometric record shall be maintained for each resident by the facility. A copy of this permanent record shall be forwarded in the event of a resident transfer to another facility. (B7-E)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3550 Audiometric Services (Repealed)

- a) Each resident shall have an audiometric examination performed by an audiologist within sixty (60) days of admission. (B7-E)
- b) Should the resident however be able to present a written record of having had an audiometric examination within twelve months of admission and if that resident is not currently experiencing hearing difficulties, the admission examination requirement is considered to be satisfied. (B7-E)
- c) Treatment shall ensue if clinically indicated by the audiologist. Residents shall be seen thereafter by their audiologist(s) as often as deemed appropriate by the audiologist(s). (B7-E)
- d) A permanent audiometric record shall be maintained for each resident by the facility. A copy of this permanent record shall be forwarded in the event of resident transfer to another facility. (B7-E)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3560 Podiatric Services (Repealed)

- a) If upon admission the physician or licensed nurse determines that a resident is experiencing ambulatory difficulty or if the resident expresses problems with his/her feet or if a medical condition known to affect the care of the feet exists, a podiatric examination shall be performed within thirty (30) days. (B7-E)
- b) Treatment shall ensue if clinically indicated by the podiatrist. Residents shall be seen thereafter by their podiatrist(s) as often as he deems appropriate. (B7-E)
- c) A permanent podiatric record shall be maintained for each resident by the facility. A copy of this permanent record shall be forwarded in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- the event of a resident transfer to another facility. (B7-E)
- (Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3570 Occupational Therapy Services (Repealed)

- a) Occupational therapy services shall be provided for residents through personal contact of the therapist directly with the residents and/or indirectly with persons involved with the residents if determined necessary by the interdisciplinary team. (B7-E)
- b) Occupational therapy services shall be provided by or supervised by a full-time registered occupational therapist. These services shall provide treatment/training programs that are designed to preserve and improve abilities for independent function such as sensory integration coordination and activities of daily living and to prevent insofar as possible irreducible or progressive disabilities through means such as the use of skill training and sensory stimulation. Group programs shall be arranged with regard to assessed levels of functioning and deficits. Individual sessions will be provided if determined necessary by the occupational therapist due to the resident's severe regression. (B7-E)
- c) The occupational therapist shall function closely with the resident's physician and participate in interdisciplinary treatment planning. Treatment/training progress shall be recorded as treatment/training is provided by the facility staff, evaluated at least quarterly and used as the basis for continuation or change of the resident's program. (B7-E)
- d) Evaluation results, treatment objectives, plans, procedures and continuing observations of treatment progress shall be recorded accurately, summarized, communicated and included in the resident's record. (B7-E)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3580 Nursing and Personal Care (Repealed)

- a) Each Specialized Living Facility shall have a director of nursing who shall be a registered nurse with a minimum of three (3) years of direct psychiatric nursing experience. A registered nurse with a Bachelor's Degree in Nursing need only have two (2) years of experience in direct psychiatric nursing to meet this requirement while a registered nurse with a Master's Degree in Nursing need only have one (1) year of direct psychiatric nursing to meet this requirement. (B7-E)
- b) Residents living in Specialized Living Facilities shall be provided at least three (3) hours of general nursing care, personal care and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

psychiatric-nursing-care--each-day-of-which-10% must-licensed-nurse time--(A)-(B)-(C)

c) Direct-Care-Aides-who-have-met-the-requirements-of-Section-300.3430(b) and-Qualified-Professionals-may-be-utilized-to-provide-the-remainder of-300.3090--(B)-(C)

d) Qualified-Professionals-do-not-have-to-comply-with-the-Direct-Care Aide-Training-Requirements-of-Section-300.3430(b) and-may-be-counted in-the-overall-staffing-ratio-described-in-Section-300.3560(b)--(B)-(C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3590 Resident Care Services (Repealed)

Resident-Care-Services-does-not-apply-to-a-Specialized-Bivng-Activity.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3600 Record Keeping (Repealed)

a) In-addition-to-Section-300.1830(a)(3)-all-other-health-professionals from-whom-the-resident-needs-services- such-as-Optometrists, audiometrists-and-podiatrists-must-be-named-in-the-resident-record--(e)

b) In-addition-to-the-other-reports-required-in-Section-300.1840-a-daily record-and-documented-a-nurse-will-be-responsible-for-each-programmatic-unit important-interactions, including-but-not-limited-to-fighting-name calling-illness-and-changes-in-level-of-social-interaction-By residents-on-each-shift--(B)-(C)

c) Specialized-Bivng-Facilities-are-not-required-to-have-an-Accredited Record-Technician-or-Registered-Record-Administrator-who-is-assigned responsibility-for-Resident-Record-keeping-not-are-they-required-to-obtain consultation-from-a-Medical-Record-Administrator-or-Technician-as required-by-Sections-300.1030-and-300.1830(f). They-are-however responsible-to-have-an-employee-of-the-facility-who-has-been-assigned-the responsibility-and-preserved-the-clinical-records-are-maintained-or-receive-consultation-from-a-person-skilled-in-record-maintenance and-preservation-such-as-a-licensed-nurse,physician, social-worker or-clinical-psychologist--(e)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3610 Food Service (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) Section-300.2010(b)(3)-which-requires-at-least-eight-(1)-hours-of consultation-per-month-from-a-dietitian--shall-not-apply-to-a Specialized-Bivng-Facility--However-Section-300.2010(b)(3)-which requires-at-least-four-(4)-hours-of-consultation-per-month--does apply.

b) The-food-service-requirements-of-Subpart-3--Sections-300.2010 300.2200--300.330-and-300.3100-shall-be-satisfied-by-the-vendor-if food-services-are-provided-by-contract--All-other-requirements-of Subpart-3-shall-be-met-by-the-facility--(B)-(C)

c) Residents-as-part-of-their-Activities-in-Daily-Bivng-Training-(ABE) programs-may-assist-in-the-preparation-of-their-own-meals-in-training kitchens-designed-for-this-purpose--Residents-in-anticipation-of discharge-shall-be-given-the-opportunity-to-plan-their-own-meals shop-for-food-stuffs-and-prepare-their-own-meals-under-supervision.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)

a) Foot-boards-on-beds-are-not-required-in-a-Specialized-Bivng-Facility {300.2410(a)}.

b) Residents-of-Specialized-Bivng-Facilities-will-not-need-to-have individual-equipment-such-as-emesis-basins,bedpans,urinals-and-wash basins--therefore-space-for-the-storage-of-such-items-will-not-need to-be-provided-{300.2410(f)}.

c) Due-to-the-nature-of-the-services-provided-in-this-type-of-facility the-use-of-public-curtains-and/or-beside-screens-is-constrained{300.2420(b)(3)} and-they-are-not-required-to-be-provided-{300.2420(b)(3)}.

d) A-music-call-system-is-not-required-in-this-type-of-facility {300.2420(f)}-300.2240(f) and-300.3140(e).

e) Furnishings-shall-be-home-like-and-non-institutional-in-character. Bedrooms-should-contain-radios-wall-clocks,pictures,calendars-and book-shelves--The-use-of-carpeting-on-floors-is-encouraged--At-least one-room-on-each-floor-however-shall-be-furnished-to-accommodate problem-smokers-or-the-behaviorally-incontinent-(tie-floors-binds metal-furniture-frame-retarded-mattresses)--(B)-(C)

f) Each-bedroom-shall-be-provided-with-a-full-length-shatter-resistant mirror--(A)-bathroom-mirror-over-a-lavatory-will-not-meet-this requirement--(B)-(C)

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 300.3630 Design and Construction Standards (New and Existing Facilities) (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) Multiple resident bedrooms in new facilities shall not have more than two (2) beds. Multiple resident bedrooms in existing facilities shall not have more than three (3) beds. (b)-(c)
- b) The sleeping station may be defined by a 304 high partition in lieu of a clean utility room as described in Sections 300-206(g)(3)-(4), 300-360(f)(1), and 300-360(f)(2)(A); an area behind or adjacent to the nursing area may be designated a "clean area" and shall contain cabinets to store sterile supplies; clean supplies; other supplies; charts and/or other required records; A locked medications cabinet shall be provided. (b)-(c)
- c) The resident bedroom toilet room in new facilities shall serve no more than two (2) adjacent resident rooms nor more than four (4) beds. (b)-(c)
- d) A bathroom accessible from one end and both sides for assisted bathing of handicapped residents is not required in new facilities, as required by Section 300-206(f)(1). However, new facilities shall provide an enclosure on each floor for the bathing of handicapped persons as specified by Section 300-360(f)(6)-(7). (b)-(c)
- e) At least one (1) group meeting room per program unit shall be required for small group and individual therapy sessions. (b)-(c)
- f) The activities space requirement contained in Section 300-206(g) and Section 300-307(g) is expanded to include:
- 1) a recreation room with ping pong table and other equipment for mid-physical activities. (b)-(c)
 - 2) a quiet recreation/socialization room with books, magazines, board games, comfortable chairs and card tables and chairs. (b)-(c)
 - 3) a room equipped for hair care including supplies, shampoo basin, etc. (b)-(c)
 - 4) a small sound-deadened room (on each locked program unit) equipped with a punching bag and a table (foam) baseball bats, and. (b)-(c)
 - 5) an exercise room equipped with items such as mats and exerciser. (b)-(c)
- g) At least one training kitchen shall be provided in each program unit to allow residents to be trained to prepare their own meals. (b)-(c)
- h) At least one training laundry shall be provided in each program unit to allow residents to be trained to do their own laundry. Washers and dryers shall be residential type and may be coin or token operated. An ironing board shall also be available. (b)-(c)
- i) Each facility shall maintain a commissary that sells personal care items, cigarettes, etc. All vending machines shall be token operated. (b)-(c)
- j) All staff on the program unit shall be required to carry keys to all locked exits at all times. (b)-(c)
- k) Windows shall be protected with security screens or be equipped with ash limiters to prevent residents from opening windows far enough to crawl through. Window glazing shall be suitable for each patient as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- determined by the attending physician. (b)-(c)
- i) An enclosed outdoor space large enough to accommodate vigorous activity (e.g., badminton, basketball, volleyball) shall be provided. (b)-(c)
- m) Clean and soiled utility rooms shall not be required in Specialized Living Facilities.
- (Source: Repealed at 25 Ill. Reg. _____, effective _____)

SUBPART S: PROVIDING SERVICES TO PERSONS WITH MENTAL ILLNESS

Section 300.4000 Applicability of Subpart S

- a) Beginning January 1, 2002, facilities providing services to persons with severe mental illness shall meet the requirements of this Subpart S. Applicability of this Subpart S shall not affect a facility's compliance with the remainder of this Part.
- b) This Subpart applies to the provision of services for residents having a primary diagnosis of severe mental illness, excluding:
- 1) Individuals with the following mental disorder categories: senile and presenile organic psychotic conditions, alcoholic psychoses, drug psychoses, transient organic psychotic conditions, other organic psychotic conditions (chronic), non-psychotic disorders due to organic brain damage, and mental retardation; and
 - 2) Individuals who are transferred to a facility for 90 or fewer days for a medical reason, such as from fractures or cardiac or respiratory traumas.
- c) This Subpart applies to persons who are transferred to a facility for 90 or fewer days for a medical reason directly related to the person's diagnosis of severe mental illness, such as medication management.
- d) For the purposes of this Subpart, "severe mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A severe mental illness is determined by all of the following three areas:
- 1) Diagnoses that constitute a severe mental illness are:
 - A) Schizophrenia
 - B) Delusional disorder
 - C) Schizo-affective disorder
 - D) Psychotic disorder not otherwise specified
 - E) Bipolar disorder I - mixed, manic, and depressed
 - F) Bipolar disorder II
 - G) Cyclothymic disorder
 - H) Bipolar disorder not otherwise specified
 - I) Major depression, recurrent
 - 2) In addition, the individual must be 18 years of age or older and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

be substantially functionally limited due to mental illness in at least two of the following areas:

- A) Self-maintenance;
- B) Social functioning;
- C) Community living activities;
- D) Work-related skills;

3) Finally, the disability must be of an extended duration expected to be present for at least a year that results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:

- A) Have experienced two or more psychiatric hospitalizations;
- B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) due to mental illness, or have been deemed eligible for SSI or SSDI;

g) Facilities with 11 or more residents with serious mental illness shall group these residents' rooms together;

f) Facilities providing services to persons with mental illness in accordance with Subpart S shall also comply with Subparts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and R of this Part. In case of a conflict between those Subparts and Subpart S, the more stringent requirement applies.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.4010 Comprehensive Assessments for Residents with Mental Illness Residing in Facilities Subject to Subpart S

a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the resident; the resident's guardian; a Resident Services Coordinator; the resident's primary service providers, including an RN or an LPN with responsibility for the medical needs of the individual and any other staff familiar with the resident; and a psychiatrist, a social worker, and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and participate in the process of identifying the resident's strengths and needs.

b) The IDT must identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the residential facility. The assessment shall be coordinated by a Resident Services Coordinator (RSC).

c) A comprehensive assessment must be completed by the IDT no later than

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

14 days after admission to the facility. Reports from the pre-admission screening assessment may be used as part of the comprehensive assessment if the assessment reflects the current condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:

- 1) A psychiatric evaluation completed by a board certified or board eligible psychiatrist or by a person who is a licensed clinical professional counselor (LCPC) under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 10/1]; certified psychiatric nurse, social worker, physician or licensed psychologist if countersigned by a board certified or board eligible psychiatrist. The psychiatric evaluation shall include:
 - A) Psychiatric history with present and previous psychiatric symptoms;
 - B) Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and
 - C) Diagnostic formulation, problems, and diagnosis using the Diagnostic and Statistical Manual IV (DSM-IV), ensuring that information is recorded on as many of the five axes as appropriate.

- 2) Psychosocial assessment performed by a social worker or an LCPC. The assessment shall cover the following points:

- A) Identifying information (including resident's name, age, race, religion, date of admission; name of individuals giving information);
- B) Reason for admission (including specific problems and how long the problems have existed in their current state); contributing factors to exacerbation of problems; most recent psychiatric treatment and effects; goals of nursing facility as articulated by referral source;
- C) History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);
- D) Personal history (including marital status; marital history including marriage, name, age, sex and occupation of children; if any, and status of significant personal relationships with individuals (past and present); work history of individual including all known past professions and/or jobs);
- E) Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

contributed to past housing loss; the highest level of residential independence attained, approximate date and length; any patterns of persistent residential instability or homelessness);

F) Family history (including information regarding individual's parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss including where, when and effect on individual); and

G) Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).

3) A skills assessment performed by a social worker, Resident Services Coordinator or Resident Services Director (RSD) shall include an evaluation of the resident's strengths, an assessment of the resident's levels of functioning, including but not limited to the following areas:

A) self-maintenance (including basic activities of daily living such as hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);

B) social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);

C) community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);

D) occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);

E) symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication capability; relapse prevention); and

F) substance abuse management (including recovery, relapse prevention and harm reduction).

4) Physical examination performed by a physician or by a registered nurse countersigned by a physician. The physical examination shall also include assessment of sensory and physical impairments and a medical history, if known, including history of illnesses, surgeries and other significant medical conditions, and medication history.

5) Oral screening completed by a dentist or registered nurse.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

6) Nutritional assessment completed by a dietician or the food service supervisor under the direction of the dietician.

7) Discharge plan as required by Section 300.4060 of this Part.

8) Other assessments recommended by the IDT or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.

9) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conducted by the RSC or RSD with each resident. The assessment shall include at a minimum:

- A) resident's identification of personal strengths, goals, needs, and resources;
- B) skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;
- C) resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.

d) Based on the results of the assessment areas in subsection (C), the RSD or RSC will develop a narrative statement for the IDT review that summarizes findings regarding the resident's strengths and limitations; indicates the resident's expressed expectations; and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident will also be identified as one of the following levels:

- 1) participation in basic skills training or programs and initial linkages to the community;
- 2) intensive skills training and community reintegration; or
- 3) advanced skills training and linkage with community resources in preparation for discharge within six months.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4020 Reassessments for Residents with Mental Illness Residing in Facilities Subject to Subpart 5

a) At least every three months, the RSC shall document review of the resident's progress, assessments and treatment plans. If needed, the RSC shall inform the appropriate IDT members of the change in resident's condition. The appropriate IDT member will reassess the individual and update the resident's assessment, assuring the continued accuracy of the assessment.

b) Complete comprehensive reassessments shall be conducted as needed but at least every 12 months in the following areas:

- 1) Psychiatric evaluation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Psychosocial assessment update (including significant events, e.g., death of a significant other since the last reassessment).
- 3) Skills assessment update, including an assessment of resident levels of functioning and reassessment of rehabilitation potential (an evaluation of the individual's strengths, potentials, environmental opportunities and ability to achieve or likelihood of achieving maximum functioning); and a narrative statement of the individual's strengths and potential as they directly relate to the individual's functional limitations with recommendations for treatment and/or services, and the potential of the individual to function more independently. A complete reassessment will be required if changes in the resident's functional level make the current assessment inapplicable. If a complete reassessment is not required, the update must include a narrative summary of the reevaluated assessment.
- 4) Recreation and leisure activities, including the resident's participation, perceived enjoyment, frequency of self-initiated involvement versus staff coaxing or refusal, and recommended interventions.
- 5) Physical examination.
- 6) Medical history and medication history updates, including any illness and changes in medical diagnosis and medication prescription or indication of administration compliance that have occurred since the last assessment.
- 7) Oral screening completed by a dentist or registered nurse.
- 8) Nutritional assessment completed by a dietitian or the food service supervisor under the direction of the dietitian and information in developing the interim treatment plan. When all or part of the PAS/WH information is not used, the record will document why the PAS/WH information was not used. This plan will focus on those behaviors and needs requiring attention prior to development of the individualized treatment plan (ITP). Each interim individualized plan shall be based on physician's orders and shall include diagnosis, allergies and other pertinent medical information. The following
- 9) Other assessments needed, as determined by the interdisciplinary team.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4030 Individualized Treatment Plan for Residents with Mental Illness Residing in Facilities Subject to Subpart 5

- a) On admission, information received from the admission source (e.g., resident, family, preadmission screening (PAS) agent) shall be used to develop an interim treatment plan. In developing an individual's interim treatment plan, the facility will review the PAS/WH assessments and "Notice of Determination" and consider the use of this information in developing the interim treatment plan. When all or part of the PAS/WH information is not used, the record will document why the PAS/WH information was not used. This plan will focus on those behaviors and needs requiring attention prior to development of the individualized treatment plan (ITP). Each interim individualized plan shall be based on physician's orders and shall include diagnosis, allergies and other pertinent medical information. The following

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- information shall also be considered, as appropriate, to allow for the identification and provision of appropriate services until a final plan is developed:
- 1) Known risk factors (e.g., wandering, safety issues, aggressive behavior, suicide, self-mutilation, possible victimization by others);
 - 2) Observable resident medical/psychiatric conditions that may require additional immediate assessment or consultation;
 - 3) Therapeutic involvement that might be of interest to the resident, be recommended based on referral information, aid in orientation or provide meaningful data for further professional assessment; and
 - 4) Other known factors having an impact on the resident's condition (e.g., family involvement, social interaction patterns, cooperation with treatment planning).
- b) An ITP must be developed within 7 days after completion of the comprehensive assessment.
 - c) The plan for each resident shall state specific goals that are developed by the ITP. The resident's major needs shall be prioritized, and approaches or programs shall be developed with specific goals, to address the higher prioritized needs. If a lower priority need is not being addressed through a specific goal or program, a statement shall be made as to why it is not being addressed or how the need will be otherwise addressed.
 - d) The ITP must contain objectives to reach each of the individual's goals in the plan. Each objective shall:
 - 1) Be developed by the ITP;
 - 2) Be based on the results obtained from the assessment process;
 - 3) Be stated in measurable terms and identify specific performance measures to assess; and
 - 4) Be developed with a projected completion or review date (month, day, year).
 - e) Services designed to implement the objectives in the resident's ITP shall specify:
 - 1) Specific approaches or steps to meet the objective;
 - 2) Planned skills training, skill generalization technique, incentive/behavior therapy, or other interventions to accomplish the objectives, including the frequency, quantity and duration;
 - 3) The evaluation criteria and time periods to be used in monitoring the expected results of the intervention; and
 - 4) Identification of the staff responsible for implementing each specific intervention.
 - f) Whenever possible, residents should be offered some choice among rehabilitation interventions that will address specific ITP objectives using techniques suited to individual needs.
 - g) ITP documentation:
 - 1) Significant events that are related to the resident's ITP, and assessments that contribute to an overall understanding of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

his/her ongoing level and quality of functioning, shall be documented.

- 2) The resident's response to the ITP and progress toward goals shall be documented in progress notes.
- b) The ITP shall be reviewed by the IDT quarterly and in response to significant changes in the resident's symptoms, behavior or functioning; sustained lack of progress; the resident's refusal to participate or cooperate with the treatment plan; the resident's potential readiness for discharge and actual planned discharge; or the resident's achievement of the goals in the treatment plan.
- 3) The resident's individual treatment plan must be signed by all members of the IDT participating in its development, including the resident or the resident's legal guardian.
- 4) If the resident refused to attend the IDT meeting or refused to sign the treatment plan, the RSC shall meet with the resident to review and discuss the treatment plan as soon as possible, not to exceed 96 hours after the treatment plan review. Evidence shall be documented that the ITP was explained to the resident for whom the ITP was developed.
- k) The resident's treating psychiatrist must review and approve the resident's treatment plan as developed by the IDT. The date of this review and approval shall be entered on the resident's treatment plan and be signed by the attending psychiatrist.
- 5) The ITP shall be based upon each resident's assessed functioning level and shall include structured group or individual residential services interventions or skills training activities, as appropriate, in the following areas:
 - 1) Self-maintenance;
 - 2) Social skills;
 - 3) Community living skills;
 - 4) Occupational skills;
 - 5) Symptom management skills; and
 - 6) Substance abuse management.
- m) Activity programs must be distinct from but related to psychiatric rehabilitation programming to encourage generalization of skills. Activity programs shall comply with Section 300.1410 of this Part.
- n) Residents shall participate in therapeutic programs, in accordance with their ITP. Residents' attendance shall be recorded.
- o) Residents failing to attend at least 50 percent of any programs included in their ITP over a 30 day period shall within 14 days have a special staffing conducted by the staff responsible for the specific program. The RSC shall assess the reason for the failure of the resident to attend. This staffing shall result in a change in components of the resident's treatment plan or shall indicate why a change is not needed. A staffing is not required if the record documents why the resident's attendance was less than 50 percent and that the resident's attendance is, at the time of the documentation, more than 50 percent.
- p) The Resident Services Coordinator is responsible for coordinating

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

staff in the delivery of resident services programs, oversight of data collection, and the review of the resident's performance.

- 1) At least quarterly, and prior to the treatment plan reviews, the RSC shall meet with the resident to review and discuss the resident's current treatment plan, progress toward achieving the objectives, and obstacles inhibiting progress. Based upon this review, the RSC, in consultation with the appropriate IDT members, shall revise the resident's ITP as needed. The revised treatment plan shall be submitted to the appropriate IDT members for review, approval, and signature.

- 2) At least quarterly, the RSC shall record the resident's response to treatment in the clinical record.

- g) The residential services aides shall record the resident's response to those areas overseen by the aide.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.4035 Individualized Treatment Plan for Residents with Mental Illness Choosing to Retire from Active Psychiatric Rehabilitation Residing in Facilities Subject to Subpart 5

A resident who is 65 years of age, or is 58 years of age and has medical conditions that would preclude participation in a psychiatric rehabilitation program, may choose to retire. An ITP shall be developed defining an appropriate plan for retirement from active psychiatric rehabilitation that meets the resident's continuing mental health needs. A resident who chooses not to retire from participation in a psychiatric rehabilitation program shall not be required to retire.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.4040 General Requirements for Facilities Subject to Subpart 5

- a) The resident services program of the facility shall provide the following services as needed by residents of the facility:
 - 1) 24 hours of continuous supervision, support and therapeutic interventions;
 - 2) Psychotropic medication administration, monitoring, and self-administration;
 - 3) Case management services and discharge preparation and training;
 - 4) Psychiatric rehabilitation services addressing major domains of functioning and skills development: self-maintenance, social and community living, occupational preparedness, symptom management, and substance abuse avoidance;
 - 5) Crisis services; and
 - 6) Personal care assistance.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

b) The resident services programs in the facility shall be designed to improve or maintain the resident's level of functioning and independence.

c) The facility's psychiatric rehabilitation program shall have the following overall goals:

- 1) Encourage the engagement of each resident in his/her recovery and rehabilitation;
- 2) Increase acquisition, performance, and retention of skills to enhance independence and promote community integration;
- 3) Support the progressive assumption of as much personal responsibility, self-management, and self-determination as each resident can manage;
- 4) Broaden the use of living, coping, and occupational skills to new environments with an ultimate goal of discharge to a more independent living arrangement, as appropriate;
- 5) Decrease psychotic, self-injurious, antisocial, and aggressive behaviors;
- 6) Decrease the impact of cognitive deficits as an impediment to learning new skills; and
- 7) Foster the human dignity, personal worth, and quality of life of each resident.

d) The psychiatric rehabilitation program shall provide education and training to maximize residents' capacities for self-management of psychotropic medications and utilization of other supportive mental health services, such as cooperation with prescribed treatment regimen, self-medication, recognition of early symptoms of relapse, and interactive effects with other drugs and alcohol.

e) The facility shall have written policies and procedures related to smoking, including smoke-free areas, risk assessment for individuals who smoke, and the conditions and locations where smoking is permitted in the facility, if permitted at all.

f) A facility shall document all leaves and therapeutic transfers. Such documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensing.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4050 Residential Services for Facilities Subject to Subpart 5

a) The facility shall develop and implement a psychiatric rehabilitation program. A facility may contract with an outside entity to provide all or part of the psychiatric rehabilitation program as long as individual residents' needs are met and subsection (f) is met. The program shall be designed to allow a wide array of group and individual therapeutic activities, including, but not limited to, the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Skills training programs addressing a comprehensive range of skill areas, including the major domains of self-maintenance, social functioning, community living, occupational preparedness, symptom management, and substance abuse management. Skills training programs should:

- A) Include available published, validated modules with highly structured curricula for teaching targeted skills (e.g., trainer's manuals and videotapes that demonstrate the skills to be learned);
- B) Proceed within a training-to-mastery framework that addresses discrete sets of skill competencies, introduces targeted skills in a graded fashion, and regulates the difficulty of exercises to create a momentum of success;
- C) Include focused instructions and modeling, frequent repetition of new material, auditory and visual representation, role playing and practice, and immediate positive feedback for attention and participation; and
- D) Be adjusted in content, form and duration to match residents' profiles in terms of stress tolerance, learning impairments, and motivational characteristics. Environmental conditions should be arranged to help compensate for deficits in resident concentration, attention, and memory (e.g., reduction of distracting stimuli and extensive use of supportive reminder cues).

2) Incentive programs, such as motivational interviewing, behavioral contracting, shaping or individual positive reinforcement, and token economy.

3) Strategies for skill generalization, such as homework, in vivo training, resource management skills, problem-solving skills, and self-management skills (self-monitoring, self-evaluation, and self-reinforcement).

4) Aggression prevention and management, including resident screening (history of aggressive and assaultive behavior, precipitating factors, signals of escalating risk, and effective de-escalation strategies); identification and modification of environment risk factors (e.g., physical plant and resident mix); provision of skills training, behavioral, and appropriate psychopharmacological interventions based on individualized resident assessment; and policies and procedure for rapid response to behavioral emergencies.

5) Substance dependence and abuse management services, including toxicological screens, psychopharmacology, alcohol and drug education, group interventions, and recovery programs (e.g., Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Mentally Ill Substance Abusers (MISA)).

b) The facility's psychiatric rehabilitation program shall be integrated with other services provided to residents by the facility to develop a cohesive approach to each resident's overall needs and consistent plan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

of care.

- c) Each facility shall have a written description of the components provided by the psychiatric rehabilitation program. Documentation shall include a description of psychiatric rehabilitation principles, the specific rehabilitation techniques and methods, and the type/level of staff utilization in providing each service to the residents. Resources utilized outside the facility for service provision, consultation or referrals shall be included in this documentation.
- d) The facility's psychiatric rehabilitation program shall develop, apply and evaluate strategies to create opportunities for residents to practice, transfer, and utilize skills both in the facility and in the broader community.
- e) The facility's psychiatric rehabilitation program shall demonstrate close working alliances with community mental health and vocational service providers through such indicators as joint staff training and planning activities, mutual referrals, collaborative resident treatment planning, and effective resident transition.
- f) If a facility contracts all or part of the psychiatric rehabilitation program to another entity:
 - 1) The contract shall include a written description of the components, the name of the person responsible for each component, and the type/level and number of staff used in each component.
 - 2) The facility shall have a policy that indicates coordination between facility staff and the consultants, including unannounced visits by designated facility management to the site of the components of the program.
 - 3) Consultants who are not physicians shall have participated in the Illinois Department of Public Aid-approved Psychiatric Rehabilitation Training Program.
 - 4) The facility shall inform the Department upon initiation and termination of the contract.
 - 5) The facility shall provide a copy of the contract to the Department upon request.
 - 6) The facility shall ensure that the entity with whom it contracts complies with this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4060 Discharge Plans for Residents with Mental Illness Residing in Facilities Subject to Subpart S

- a) As part of the IMP, a discharge plan shall be considered by the interdisciplinary team as a component of the individual's comprehensive program plan. This plan shall address the reduction of symptoms and the acquisition of behaviors and prioritized skill deficits that inhibit the individual from moving to a more independent

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b) Within one year prior to a planned discharge, preparation shall address:
 - 1) Identification and linkage to proposed community providers;
 - 2) Self-directed initiation and compliance with mental health services while in the facility;
 - 3) Use of community mental health services;
 - 4) Assistance with locating and securing housing; and
 - 5) Assistance with identification, application and securing financial resources.
- c) At least 30 days before the individual's planned discharge, the RSC must notify the individual or the individual's legal representative and, when appropriate, the individual's family, both orally and in writing, of the upcoming planned discharge. A specific, individualized post-discharge plan must be developed by the IMP, and, when appropriate, with input from community support agencies, family and friends, 30 days before the planned discharge. The plan will identify:
 - 1) The alternative living site;
 - 2) Financial resources available;
 - 3) Community service needs and availability;
 - 4) Community mental health services with scheduled psychiatric appointments;
 - 5) Access to medical care and medications; and
 - 6) Case management system responsible for transition and follow-up.
- d) The discharge plan shall consider the resident's geographic preference upon discharge and the need for financial assistance.
- e) Referral and linkage to the post-discharge service provider should occur with face-to-face contact, on-site visits, and, if appropriate, assumption of partial services prior to discharge.
- f) At the time of discharge, the facility shall:
 - 1) Prepare a discharge summary of the resident's current psychiatric status; self-care skills; behavior and impulse control; social functioning; community living skills; basic educational, vocational and work-related skills; substance abuse history; and general health status. Dates of resident's pre-discharge contact with the aftercare agency shall be included, as well as specific issues that may have a negative impact on community adjustment. The discharge plan shall also include recommendations for transitional programming and the name, address, telephone number, and time and date of the resident's first post-discharge appointment with the aftercare service provider.
 - 2) Provide the post-discharge plan of care and the discharge summary to the resident's new service provider.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4070 Work Programs for Residents with Mental Illness Residing in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Facilities Subject to Subpart S

- a) In-house psychiatric rehabilitation programs for individual residents participating in the psychiatric rehabilitation program shall be considered to increase work-related skills, further residents' socialization, foster independence, and increase a sense of well-being and adjustment.
- b) The facility shall work with State and community agencies in assisting individual program residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, supportive employment, sheltered workshop programs, and other similar programs that are provided outside of the facility.
- c) Appropriate records shall be maintained for residents functioning in work programs in the facility or outside the facility. These shall show appropriateness of the program for the individual's objectives; resident duties, training and supervisory; resident's response to the program; and any other pertinent observations. This information shall become a part of the resident's record.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4080 Community Based Rehabilitation Programs for Residents with Mental Illness Residing in Facilities Subject to Subpart S

Community-based (off-site) rehabilitation programs should be used where their use will assist in community reintegration or in the development of relationships with the agency that will be providing services to the individuals after discharge. The facility shall develop and maintain working relationships and written agreements with community agencies that provide psychiatric rehabilitation services. Appropriate records shall be maintained for residents receiving psychiatric rehabilitation services from outside agencies. These records shall show the appropriateness of the program for the individual, the ITP objectives addressed, the interventions being utilized, the resident's response to the program, the responsible community agency staff, and any other pertinent observations.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.4090 Personnel for Providing Services to Persons with Mental Illness for Facilities Subject to Subpart S

- a) Psychiatric Medical Director

- 1) The facility shall have a consultant for the psychiatric rehabilitation program who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the administrator

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

and the Resident Services Director on the overall psychiatric management of the program's residents.

- 2) There shall be communication linkages between the psychiatric medical director and the medical director.
- 3) The psychiatric consultant, working with the administrator, shall be responsible for annually approving in writing the facility's written policies and procedures for the psychiatric rehabilitation program.
- 4) Each resident shall be under the care of a psychiatrist.
- 5) A psychiatrist shall be available for the psychiatric treatment and psychiatric medication management of the residents. All residents or residents' guardians shall be permitted their choice of psychiatrist.
- 6) Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.

b) Resident Services Director

- 1) A Resident Services Director (RSD) shall be:

- a) A licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor who has a minimum of at least one year supervisory experience and at least one year of experience working directly with persons with severe mental illness and who has attended an Illinois Department of Public Aid (IDPA) training program; or
- b) A person with a master's degree in a human services field with at least one year of supervisory experience and at least three years of experience working directly with persons with severe mental illness who has attended an IDPA training program.

- 2) Each facility shall have an RSD for the psychiatric rehabilitation program who is assigned responsibility for:

- A) developing and implementing the facility's psychiatric rehabilitation program;
 - B) developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and
 - C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program ITP.
- 3) The RSD shall ensure that each resident's ITP is developed by an interdisciplinary team and is individualized, states the progressive goals of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.
 - 4) The RSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families of significant others are involved in the preparation of their plan

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

of care.
The RSD shall ensure the availability of education and information for family members of residents.

- c) Resident Services Coordinator
- 1) A Resident Services Coordinator (RSC) shall possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year supervised experience in mental health or human services.
 - 2) Each resident admitted to the facility shall have an RSC to act as a case manager. The RSC will be identified as the staff member to whom the resident primarily relates for the coordination of services.

3) The responsibilities of the RSC are:

- A) To provide the resident with a stable therapeutic relationship;
 - B) To orient the resident to the facility;
 - C) To review and assist the resident in understanding the treatment plan and program schedule;
 - D) To prepare and assist the resident with active participation in the treatment plan review;
 - E) To provide and/or coordinate the delivery of the resident services programs; and
 - F) To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.
- 4) There shall be an RSC for each 25 participants.
 - 5) If the RSC is a consultant, then subsections c)(3)(A) and (E) will also be the responsibility of facility staff.
- d) In psychiatric rehabilitation programs with 10 or fewer participants, the Resident Services Director may act as the RSC.

e) Registry of Certified Resident Services Aides

- 1) An individual will be placed on the Nurse Aide Registry as a resident services aide when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act.

2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:

- A) Documentation of current registration from another state as a resident services aide (RSA).
- B) Documentation of successful completion of an RSA training course approved by another state as evidenced by a diploma, certification or other written verification from the school.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for RSAs in the Long-Term Care Assistants and Aides Training Programs Code.

f) Resident Services Aides

Facilities shall employ RSAs to provide psychiatric rehabilitation program services to residents or shall provide the following minimum training to certified nursing assistants (CNA) within 30 days after the CNA's first day of employment:

- 1) Understanding the impact of severe mental illness;
- 2) Understanding the role of psychiatric rehabilitation, including how to manage psychiatric disabilities and countering stigma and discrimination;
- 3) Confidentiality;
- 4) Preventative strategies for managing aggression and crisis intervention;
- 5) Goals and function of case management;
- 6) Appropriate verbal and physical interaction; and
- 7) Communication skills between staff and residents.

g) Consultants

A facility may use consultants with advanced professional degrees to provide resident services and to provide expertise in the development and implementation of the facility's resident services program and individual resident assessment and care planning.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

SUBPART T. FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH MENTAL ILLNESS

Section 300.6000 Applicability of Subpart T

a) To be subject to this Subpart, a nursing facility must meet each of the following criteria:

- 1) 90% or more of the resident population of the nursing home has a diagnosis of severe mental illness;
- 2) No more than 15 percent of the resident population of the nursing home is 65 years of age or older;
- 3) None of the residents have a primary diagnosis of moderate, severe, or profound mental retardation;
- 4) None of the residents require medical or nursing care at a level higher than the intermediate nursing care light level of care as defined in Section 300.1230(n) of this Part; and
- 5) The facility must participate in Illinois Department of Public Aid's demonstration program relating to specialized services, training, technical assistance, development and use of a standardized assessment tool, data collection, and admission

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Subpart 7Subpart 7

b) A facility shall certify annually 150 to 120 days prior to license expiration that the facility meets all the criteria listed in subsection (a) of this Section.

c) A facility may choose not to be subject to this Subpart by submitting a written notice, within 30 days after the effective date, of the facility's intent not to be subject to this Subpart.

d) For the purposes of this Subpart, "severe mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A severe mental illness is determined by all of the following three areas:

1) Diagnoses that constitute a severe mental illness are:

- A) Schizophrenia;
- B) Delusional disorder;
- C) Schizoaffective disorder;
- D) Psychotic disorder not otherwise specified;
- E) Bipolar disorder, I or II, manic, depressive, and mixed;
- F) Bipolar disorder, II;
- G) Cyclothymic disorder;
- H) Bipolar disorder not otherwise specified I;
- I) Major depression, recurrent;
- J) In addition, the individual must be 18 years of age or older and be substantially functionally limited due to mental illness in at least two of the following areas:

- A) Self-maintenance;
- B) Social functioning;
- C) Community living activities;
- D) Work-related skills;
- E) Finally, the disability must be of an extended duration, expected to be present for at least a year, which results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:

- A) Have experienced two or more psychiatric hospitalizations;
- B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) due to mental illness or could be deemed eligible for SSI or SSDI.

e) The following Sections of this Part do not apply to facilities subject to this Subpart: 300.660, 300.663, 300.682, 300.691, 300.820, 300.830, 300.1010, 300.1220, 300.1230, 300.1240, 300.4000, 300.4010, 300.4020, 300.4030, 300.4040, 300.4050, 300.4060, 300.4070, 300.4080, and 300.4090.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6005 Quality Assessment and Improvement for Facilities Subject to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Subpart 7Subpart 7

a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:

- 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided at the facility or under contract, including, but not limited to:

A) Admission of residents appropriate to the capabilities of the facility;

B) Resident assessment;

C) Development and implementation of appropriate individualized psychiatric treatment plan;

D) Resident satisfaction;

E) Discharge planning; and

F) Infection control.

2) Identification and analysis of problems.

3) Identification and implementation of corrective action or changes in response to problems.

b) The program shall operate pursuant to a written plan, which shall include, but not be limited to:

1) A detailed statement of how problems will be identified;

2) The methodology and criteria that will be used to formulate action plans to address problems, which shall include the resident's family;

3) Procedures for evaluating the effectiveness of action plans and revising action plans to prevent recurrence of problems;

4) Procedures for documenting the activities of the program; and

5) Identifying the persons responsible for administering the program.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart 7

a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the resident; the resident's guardian; a Resident Services Coordinator (RSC); the resident's primary service providers, including an RN or an LPN with responsibility for the medical needs of the individual and any other staff familiar with the resident; a psychiatrist, a social worker and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

participate in the process of identifying the resident's strengths and needs.

b) The IDT must identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the residential facility. The assessment shall be coordinated by an RSC.

c) A comprehensive assessment must be completed by the IDT no later than 14 days after admission to the facility. Reports from the pre-admission screening assessment may be used as part of the comprehensive assessment if the assessment reflects the current condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:

- 1) A psychiatric evaluation completed by a board certified or board eligible psychiatrist or by a person who is a licensed clinical psychologist, a licensed professional counselor, a licensed social worker, and Clinical Professional Counselor Licensing Act (225 ILCS 107);
- 2) A comprehensive assessment completed by a board certified or board eligible psychiatrist. The psychiatric evaluation shall include:
 - A) Psychiatric history with present and previous psychiatric symptoms;
 - B) Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and
 - C) Diagnostic formulation, problems, and diagnosis using the Diagnostic and Statistical Manual IV (DSM-IV), ensuring that information is recorded on as many of the five axes as appropriate.

2) Psychosocial assessment performed by the Resident Services Director (RSD), a social worker, or an ICPC or the Resident Services Coordinator if reviewed and countersigned by the RSD, a social worker, or ICPC. The assessment shall cover the following points:

- A) Identifying information (including resident's name, age, race, religion, date of admission; name of individual's giving information);
- B) Reason for admission (including specific problems and how long the problems have existed in their current state); contributing factors to exacerbation of problems; most recent psychiatric treatment and effects; goals of nursing facility placement as articulated by referral source);
- C) History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

D) Personal history (including marital status; marital history including marriage, name, age, sex and occupation of children, if any, and status of significant personal relationships with individuals (past and present); work history of individual, including all known past professions and/or jobs);

E) Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have contributed to past housing loss; the highest level of residential independence attained; approximate date and length; any patterns of persistent residential instability or homelessness);

F) Family history (including information regarding individual's parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss, including where, when and effect on individual); and

G) Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).

3) A skills assessment performed by a social worker, RSC or RSD with training in skills assessment. The skills assessment shall include an evaluation of the resident's strengths, an assessment of the resident's levels of functioning, and recommendations for treatment and services, including but not limited to the following areas:

- A) Self-maintenance (including basic activities of daily living such as hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);
- B) Social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);
- C) Community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);
- D) Occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);
- E) Symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

capability; relapse prevention); and
 E) substance abuse management (including prevention, and harm reduction).

- 4) Physical examination performed by a physician or by a registered nurse countersigned by a physician. The physical examination shall also include assessment of sensory and physical impairments and a medical history, including history of illnesses, surgeries and other significant medical conditions, and medication history.
- 5) Oral screening completed by a dentist or registered nurse.
- 6) Nutritional assessment completed by a dietitian or the food service supervisor under the direction of the dietitian.

7) Discharge plan as required by Section 300.6060 of this Part.
 8) Other assessments recommended by the IDT or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.

- 9) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conferred by the RSC or RSD with each resident. The assessment shall include at a minimum:
 - A) resident's identification of personal strengths, goals, needs, and resources;
 - B) skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;
 - C) resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.

10) Based on the results of the assessment and monitoring, the RSD or RSC will develop a narrative statement. In the IDT review that summarizes findings regarding the resident's strengths and limitations, indicates the resident's expressed expectations, and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident will also be identified as one of the following levels:

- 1) Participation in basic skills training or programs and initial linkages to the community;
- 2) Intensive skills training and community reintegration; or
- 3) Advanced skills training and linkage with community resources in preparation for discharge within six months.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6020 Reassessments for Residents of Facilities Subject to Subpart T

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) At least every three months, the RSC shall document review of the resident's progress, assessments and treatment plans. If needed, the RSC shall inform the appropriate IDT members of the change in resident's condition. The appropriate IDT member will reassess the resident and update the resident's assessment, assuring the continued accuracy of the assessment.
- b) Complete comprehensive reassessments shall be conducted as needed, but at least every 12 months, in the following areas:
 - 1) Psychiatric evaluation;
 - 2) Psychosocial assessment update (including significant events, e.g., death of a significant other since the last reassessment);
 - 3) Skills assessment update, including an assessment of resident level of functioning and reassessment or rehabilitation potential (an evaluation of the individual's strengths, potentials, environmental opportunities and ability/likelihood of achieving maximum functioning); and a narrative statement of the individual's strengths and potentials as they directly relate to the individual's functional limitations with recommendations for treatment and/or services, and the potential of the individual to function more independently. A complete reassessment will be required if changes in the resident's functional level make the current assessment inapplicable. If a complete reassessment is not required, the update must include a narrative summary of the reassessment;
 - 4) Recreation and leisure activities, including the resident's participation, perceived enjoyment, frequency of self-initiated involvement versus staff coaxing or refusal, and recommended interventions;
 - 5) Physical examination;
 - 6) Medical history and medication history updates, including any illness and changes in medical diagnosis and medication prescription or indication of administration compliance that have occurred since the last assessment;
 - 7) Oral screening completed by a dentist or registered nurse;
 - 8) Nutritional assessment completed by a dietitian or the food service supervisor under the direction of the dietitian; and
 - 9) Other assessments needed, as determined by the IDT.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T

- a) On admission, information received from the admission source (e.g., resident, family, preadmission screening (PAS) agent) shall be used to develop an interim treatment plan. In developing an individual's interim plan, the facility will review the PAS/PAS assessments and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- "Notice of Determination" and consider the use of this information in developing the interim treatment plan. When all or part of the PAS/WH information is not used, the record will document why the PAS/WH information was not used. This plan will focus on those behaviors and needs requiring attention prior to development of the individualized treatment plan (ITP). Each interim individualized plan shall be based on physician's orders and shall include diagnosis, allergies and other pertinent medical information. The following information shall also be considered, as appropriate, to allow for the identification and provision of appropriate services until a final plan is developed:
- 1) Known risk factors (e.g., wandering, safety issues, aggressive behavior, suicide, self-mutilation, possible victimization by others);
 - 2) Observable resident medical/psychiatric conditions that may require additional immediate assessment or consultation;
 - 3) Therapeutic involvement that might be of interest to the resident, be recommended based on referral information, aid in orientation or provide meaningful data for further professional assessment; and
 - 4) Other known factors having an impact on the resident's condition (e.g., family involvement, social interaction patterns, cooperation with treatment planning).
- b) An ITP must be developed within 7 days after completion of the comprehensive assessment.
- c) The plan for each resident shall state specific goals that are developed by the ITP. The resident's major needs shall be prioritized, and approaches or programs shall be developed with specific goals, to address the higher prioritized needs. If a lower priority need is not being addressed through a specific goal or program, a statement shall be made as to why it is not being addressed or how the need will be otherwise addressed.
- d) The ITP must contain objectives to reach each of the individual's goals in the plan. Each objective shall:
- 1) Be developed by the ITP;
 - 2) Be stated in measurable terms and identify specific performance measures to assess; and
 - 4) Be developed with a projected completion or review date (month, day, year).
- e) Services designed to implement the objectives in the resident's ITP shall specify:
- 1) Specific approaches or steps to meet the objective;
 - 2) Planned skills training, skill generalization technique, incentive/behavior therapy, or other interventions to accomplish the objectives, including the frequency, quantity and duration and the supports necessary for the resident to participate;
 - 3) The evaluation criteria and time periods to be used in monitoring the expected results of the intervention; and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- f) Identification of the staff responsible for implementing each specific intervention.
- g) Whenever possible, residents should be offered some choice among rehabilitation interventions that will address specific ITP objectives using techniques suited to individual needs.
- h) ITP Documentation:
 - 1) Significant events that are related to the resident's ITP, and assessments that contribute to an overall understanding of his/her ongoing level and quality of functioning, shall be documented.
 - 2) The resident's response to the ITP and progress toward goals shall be documented in progress notes.
- i) The ITP shall be reviewed by the ITP quarterly and in response to significant changes in the resident's symptoms, behavior or functioning; sustained lack of progress; the resident's refusal to participate or cooperate with the treatment plan; the resident's potential readiness for discharge and actual planned discharge; or the resident's achievement of the goals in the treatment plan.
- j) The resident's ITP must be signed by all members of the ITP participating in its development, including the resident or the resident's legal guardian.
- k) If the resident refused to attend the ITP meeting, the RSC shall meet with the resident to review and discuss the treatment plan as soon as possible, not to exceed 96 hours after the treatment plan review. Evidence shall be documented that the ITP was explained to the resident or legal guardian of the resident for whom the ITP was developed.
- l) The resident's treating psychiatrist must review and approve the resident's treatment plan as developed by the ITP. The date of this review and approval shall be entered on the resident's treatment plan and be signed by the attending psychiatrist.
- m) The ITP shall be based upon each resident's assessed functioning level and shall include structured group or individual residential services interventions or skills training activities, as appropriate, in the following areas:
 - 1) Self-maintenance;
 - 2) Social skills;
 - 3) Community living skills;
 - 4) Occupational skills;
 - 5) Symptom management skills; and
 - 6) Substance abuse management.
- n) Activity programs shall be distinct from but integrated with psychiatric rehabilitation programming to encourage generalization of skills. Activity programs shall comply with Section 300.1410 of this Part.
- o) Residents shall participate in therapeutic programs, in accordance with their ITP. Residents' attendance shall be recorded.
- p) Residents failing to attend at least 50 percent of any programs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

included in their ITP over a 30-day period shall within 14 days have a special staffing conducted by the staff responsible for the specific program. The RSC shall assess the reason for the failure of the resident to attend. This staffing shall result in a change in components of the resident's treatment plan or shall indicate why a change is not needed. A staffing is not required if the record documents why the resident's attendance was less than 50 percent and that the resident's attendance is, at the time of the documentation, more than 50 percent.

b) The Resident Services Coordinator is responsible for coordinating staff in the delivery of resident services programs, oversight of data collection, and the review of the resident's performance.

1) At least quarterly, and prior to the treatment plan reviews, the RSC shall meet with the resident to review and discuss the resident's current treatment plan, progress toward achieving the objectives, and obstacles inhibiting progress. Based upon this review, the RSC, in consultation with the appropriate ITP members, shall revise the resident's ITP as needed. The revised treatment plan shall be submitted to the appropriate ITP members for review, approval, and signature.

2) At least quarterly, the RSC shall record the resident's response to treatment in the clinical record.

a) The residential services aides shall record the resident's response to those areas overseen by the aide.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.6035 Individualized Treatment Plan for Residents with Mental Illness Choosing to Retire from Active Psychiatric Rehabilitation Residing in Facilities Subject to Subpart T

A resident who is 65 years of age, or is 58 years of age and has medical conditions that would preclude participation in a psychiatric rehabilitation program, may choose to retire. An ITP shall be developed defining an appropriate plan for retirement from active psychiatric rehabilitation that meets the resident's continuing mental health needs. A resident who chooses not to retire from participation in a psychiatric rehabilitation program shall not be required to retire.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.6040 General Requirements for Facilities Subject to Subpart T

a) The resident services program of the facility shall provide the following services as needed by residents of the facility:

1) 24 hours of continuous supervision, support and therapeutic

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

interventions:

- 2) Psychotropic medication administration, monitoring, and self-administration;
- 3) Case management services and discharge preparation and training;
- 4) Psychiatric rehabilitation services addressing major domains of functioning and skills development; self-maintenance, social and community living, occupational preparedness, symptom management, and substance abuse avoidance;
- 5) Crisis services; and
- 6) Personal care assistance.

b) The resident services programs in the facility shall be designed to improve or maintain the resident's level of functioning and independence.

c) The facility's psychiatric rehabilitation program shall have the following overall goals:

- 1) Encourage the engagement of each resident in his/her recovery and rehabilitation;
- 2) Increase acquisition, performance, and retention of skills to enhance independence and promote community integration;
- 3) Support the progressive assumption of as much personal responsibility, self-management, and self-determination as each resident can manage;
- 4) Broaden the use of living, coping, and occupational skills to new environments with an ultimate goal of discharge to a more independent living arrangement, as appropriate;
- 5) Decrease psychotic, self-injurious, antisocial, and aggressive behaviors;
- 6) Decrease the impact of cognitive deficits as an impediment to learning new skills;
- 7) Foster the human dignity, personal worth, and quality of life of each resident; and
- 8) Support the testing and application of advanced or specialized psychiatric rehabilitation techniques that have demonstrated effectiveness in research settings and that address identified needs of individuals or groups of residents in the facility in conjunction with the demonstration project.

d) The psychiatric rehabilitation program shall provide education and training to maximize residents' capacities for self-management of psychotropic medications and utilization of other supportive mental health services, such as cooperation with a prescribed treatment regimen, self-medication, recognition of early symptoms of relapse, and interactive effects with other drugs and alcohol.

e) The facility shall have written policies and procedures related to smoking, including smoke-free areas, risk assessment for individuals who smoke, and the conditions and locations where smoking is permitted in the facility.

f) A facility shall document all leaves and therapeutic transfers. Such documentation shall include date, time, condition of resident, person

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed.

g) Physical restraints shall only be used in an emergency as specified in Section 300.604 of this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T

a) The facility shall notify the Department of any incident or accident that has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.

1) Notification shall be made by faxing Section 300.Appendix G to (217)785-9182 within 24 hours after each serious incident or accident; or

2) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident; or

3) If the facility is unable to contact the Regional Office or use the fax number, notification shall be made by a phone call to the Department's toll-free complaint registry number.

b) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days after the occurrence.

c) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved.

d) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.6047 Medical Care Policies for Facilities Subject to Subpart T

a) The facility shall have a written program of medical services, approved in writing by a physician, that reflects the philosophy of care provided, the policies relating to this philosophy, and the procedures for implementation of the services. The program shall emphasize the use of the resident's personal physician and arrangements, as needed, to effect prompt transfer to other facilities. The written program of medical services shall be followed in the operation of the facility.

b) Each resident admitted shall have a physical examination within five days prior to admission or within 14 days after admission. The

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

examination report shall include at a minimum each of the following:

1) An evaluation of the resident's condition, including height, weight and nutritional status, diagnoses, plan of treatment, treatment and medication orders, personal care needs, and permission for participation in activity programs as appropriate; documentation of the presence or absence of communicable diseases, such as tuberculosis infection, in accordance with Sections 300.1020 and 300.1025 of this Part; and

3) Documentation of the medical needs and plans for meeting those needs, including:

A) an assessment of proper treatment and assistive devices to maintain vision and hearing abilities; and

B) An assessment for specialized rehabilitative services, such as physical therapy, speech-language pathology and occupational therapy.

c) The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident. The facility shall obtain and record the physician's plan of care or treatment of such accident, injury or change in condition at the time of notification.

d) The facility shall have a written agreement with one or more hospitals or other providers, as necessary, that indicates that the hospital, hospitals, or providers will provide diagnostic, emergency and routine acute care hospital services. (This requirement shall be waived when the facility can document to the satisfaction of the Department that by reason of remote location or refusal of local hospitals to enter an agreement, it is unable to effect such an agreement.)

e) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures.

f) All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after such orders have been issued to assure facility compliance with such orders. (Section 2-104(b) of the Act)

g) Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. (Section 2-104(c) of the Act)

h) All residents shall be permitted to participate in the planning of their total care and medical treatment to the extent that their condition permits. (Section 2-104(a) of the Act)

1) No resident shall be subjected to experimental research or treatment without first obtaining his informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted. (Section 2-104(a) of the Act) Any facility desiring to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

conduct an experimental program or do research that is in conflict with this Part shall submit a written request to the Department and secure prior approval. Approval will be granted only if the request will not create an unnecessary and unusual threat to the health, welfare, safety or rights of residents or staff.

- 1) *All residents shall be permitted respect and privacy in their medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have the resident's permission to be present. (Section 2-105 of the Act)*

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.6050 Residential Services for Facilities Subject to Subpart T

- a) The facility shall develop and implement a psychiatric rehabilitation program. The program shall be designed to allow a wide array of group and individual therapeutic activities, including, but not limited to, the following:

- 1) Skills training programs and supports addressing a comprehensive range of skill areas, including the major domains of self-maintenance, social functioning, community living, occupational preparedness, symptom management, and substance abuse management. Skills training programs should:

- A) Include available published, validated modules with highly structured curricula for teaching targeted skills (e.g., trainer's manuals and videotapes that demonstrate the skills to be learned);

- B) Proceed within a training-to-mastery framework that addresses discrete sets of skill competencies, introduces targeted skills in a graded fashion, and regulates the difficulty of exercises to create a momentum of success;

- C) Include focused instructions and modeling, frequent repetition of new material, auditory and visual representation, role playing and practice, and immediate positive feedback for attention and participation; and

- D) Be adjusted in content, form and duration to match residents' profiles in terms of stress tolerance, learning impairments, and motivational characteristics. Environmental conditions should be arranged to help compensate for deficits in resident concentration, attention, and memory (e.g., reduction of distracting stimuli and extensive use of supportive reminder cues).

- 2) Incentive programs, such as motivational interviewing, behavioral contracting, shaping or individual positive reinforcement, and token economy.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) Strategies for skill generalization, such as homework, in vivo training, resource management skills, problem-solving skills, and self-management skills (self-monitoring, self-evaluation, and self-reinforcement).
- 4) Aggression prevention and management, including resident screening (history of aggressive and assaultive behavior, precipitating factors, signals of escalating risk, and effective de-escalation strategies); identification and modification of environment risk factors (e.g., physical plant and resident mix); provision of skills training, behavioral, and appropriate psychopharmacological interventions based on individualized resident assessment; and policies and procedure for rapid response to behavioral emergencies.
- 5) Substance dependence and abuse management services, including toxicological screens, psychopharmacology, alcohol and drug education, group interventions, and recovery programs (e.g., Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Mentally Ill Substance Abusers (MISA)).

- b) The facility's psychiatric rehabilitation program shall be integrated with other services provided to residents by the facility to develop a cohesive approach to each resident's overall needs and consistent plan of care.
- c) Each facility shall have a written description of the components provided by the psychiatric rehabilitation program. Documentation shall include a description of psychiatric rehabilitation principles, the specific rehabilitation techniques and methods, and the type/level of staff utilization in providing each service to the residents. Resources utilized outside the facility for service provision, consultation or referrals shall be included in this documentation.

- d) The facility's psychiatric rehabilitation program shall include specific components aimed at residents with multiple cognitive impairments.
- e) The facility's psychiatric rehabilitation program shall develop, apply and evaluate strategies to create opportunities for residents to practice, transfer, and utilize skills both in the facility and in the broader community.

- f) The facility's psychiatric rehabilitation program shall demonstrate close working alliances with community mental health and vocational service providers through such indicators as joint staff training and planning activities, mutual referrals, collaborative resident treatment planning, and effective resident transition.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

Section 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) As part of the ITP, a discharge plan shall be considered by the interdisciplinary team as a component of the individual's comprehensive program plan. This plan shall address the reduction of symptoms and the acquisition of behaviors and prioritized skill deficits that inhibit the individual from moving to a more independent environment.
- b) During the year, but no later than six weeks prior to a planned discharge, preparation for discharge shall address:
- 1) Identification and linkage to proposed community providers;
 - 2) Self-directed initiation and compliance with mental health services while in the facility;
 - 3) Use of community mental health services;
 - 4) Assistance with locating and securing housing; and
 - 5) Assistance with identification, application and securing financial resources.
- c) At least 30 days before the individual's planned discharge, the RSC must notify the individual or the individual's legal representative and, when appropriate, the individual's family, both orally and in writing, of the upcoming planned discharge. A specific, individualized post-discharge plan must be developed by the IDT, and, when appropriate, with input from community support agencies, family and friends, 30 days before the planned discharge. The plan will identify:
- 1) The alternative living site;
 - 2) Financial resources available;
 - 3) Community service needs and availability;
 - 4) Community mental health services with scheduled psychiatric appointments;
 - 5) Access to medical care and medications; and
 - 6) Case management system responsible for transition and follow-up.
- d) The discharge plan shall consider the resident's geographic preference upon discharge and the need for financial assistance.
- e) Referral and linkage to the post-discharge service provider should occur with face-to-face contact, on-site visits and, if appropriate, assumption of partial services prior to discharge.
- f) At the time of discharge, the facility shall:
- 1) Prepare a discharge summary of the resident's current psychiatric status; self-care skills; behavior and impulse control; social functioning; community living skills; basic educational, vocational and work-related skills; substance abuse history; and general health status. Dates of resident's pre-discharge contact with the aftercare agency shall be included, as well as specific issues that may have a negative impact on community adjustment.
 - 2) The discharge plan shall also include recommendations for transitional programming and the name, address, telephone number, and time and date of the resident's first post-discharge appointment with the aftercare service provider.
- 2) Provide the post-discharge plan of care and the discharge summary to the resident's new service provider.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6070 Work Programs for Residents of Facilities Subject to Subpart T

- a) In-house facility work programs for individual residents participating in the psychiatric rehabilitation program shall be considered to increase work-related skills, further residents' socialization, foster independence, and increase a sense of well-being and adjustment. The facility shall work with state and community agencies in assisting individual program residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, supportive employment, sheltered workshop programs, and other similar programs that are provided outside of the facility.
- c) Appropriate records shall be maintained for residents functioning in work programs in the facility or outside the facility. These shall show appropriateness of the program for the individual; objectives; resident duties, training and supervision; resident's response to the program; and any other pertinent observations. This information shall become a part of the resident's record.
- d) A resident may refuse to perform labor for a facility. (Section 2-113 of the Act.)

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T

Community-based (off-site) rehabilitation programs should be used where their use will assist in community reintegration or in the development of relationships with the agency that will be providing services to the individuals after discharge. The facility shall develop and maintain working relationships and written agreements with community agencies that provide quality psychiatric rehabilitation services. Appropriate records shall be maintained for residents receiving psychiatric rehabilitation services from outside agencies. These records shall show the appropriateness of the program for the individual, the ITP objectives addressed, the interventions being utilized, the resident's response to the program, the responsible community agency staff, and any other pertinent observations.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) Psychiatric Medical Director

- 1) The facility shall have a psychiatric medical director who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the administrator and the Resident Services Director on the overall psychiatric management of the residents.
- 2) The psychiatric medical director can be the medical director of the entire facility or only for the psychiatric rehabilitation program. If the psychiatric medical director is only responsible for the psychiatric rehabilitation program, there must be communication linkages between the psychiatric medical director and the medical director.
- 3) The psychiatric medical director shall be responsible for annually approving in writing the facility's written policies and procedures applicable to the psychiatric rehabilitation program.
- 4) Each resident shall be under the care of a psychiatrist. All residents or residents' guardians shall be permitted their choice of psychiatrist.
- 5) Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.

b) Resident Services Director

- 1) A Resident Services Director (RSD) shall be a licensed, registered or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor and have a minimum of at least one year of supervisory experience and at least one year of experience working directly with persons with severe mental illness.
- 2) Each facility shall have a full-time RSD for the psychiatric rehabilitation program who is assigned responsibility for:
 - A) developing and implementing the facility's psychiatric rehabilitation program;
 - B) developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and
 - C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program.
- 3) The RSD shall ensure that each resident's TTP is developed by an interdisciplinary team and is individualized, states the progressive goals of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.
- 4) The RSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families or significant others are involved in the preparation of their plan of care.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 5) The RSD shall ensure the availability of education and information for family members of residents.

c) Resident Services Coordinator

- 1) A Resident Services Coordinator (RSC) shall possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year of supervised experience in mental health or human services.
- 2) Each resident admitted to the facility shall have an RSC to act as a case manager. The RSC will be identified as the staff member to whom the resident primarily relates for the coordination of service.
- 3) The responsibilities of the RSC are:
 - A) To provide the resident with a stable therapeutic relationship;
 - B) To orient the resident to the facility;
 - C) To review and assist the resident in understanding the treatment plan and program schedule;
 - D) To prepare and assist the resident with active participation in the treatment plan review;
 - E) To provide and/or coordinate the delivery of the resident services program; and
 - F) To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.
- 4) There shall be an RSC for each 20 participants.
- 5) Director of Nursing
 - 1) A supervisory nursing position shall be established titled Director of Nursing (DON). The DON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week. This position shall not be included in the requirement for nursing staff coverage.
 - 2) The DON must be a registered nurse, preferably with at least one year's clinical experience in a mental health setting or a master's degree in psychiatric nursing.
 - 3) The DON, in consultation with the facility's medical director, shall be responsible for the development and implementation of the facility's overall medical policies and practices, including:
 - A) The administration, monitoring, and observation of resident medications;
 - B) The medication education, compliance and self-administration program;
 - C) The monitoring and coordination of residents' physical care, medical appointments, and diagnostic consultation;
 - D) The health education of residents; and
 - E) The supervision of the facility's nursing personnel.
- 6) Assistant Director of Nursing
 - 1) An Assistant Director of Nursing (ADON) position shall be established in facilities of 300 beds or more. The ADON shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a full-time employee who is on duty at least 36 hours per week and at least four days per week.

- 2) The ADON shall be a licensed nurse, preferably with at least one year of experience working with the chronically mentally ill.
- 3) In consultation with the DON, the ADON shall be responsible for the direct supervision, monitoring and implementation of the facility's medical policies and residents' health services.

5) Nursing Staff

- 1) Adequate nursing personnel shall be provided to meet the medication, education and health needs of residents, and not fewer than one nurse per 40 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one nurse to every 40 individuals being served).
- 2) Facilities shall have at least one licensed nurse (licensed practical nurse or registered nurse) on duty at all times.
- 3) Licensed practical nurses shall have successfully completed a pharmacology course or have at least one full year of full-time supervised experience in administering medications in a health care setting prior to employment.

9) Resident Services Aide

- 1) Sufficient resident services aides (RSA) shall be on duty all hours of each day to provide services that meet the needs of the resident, and no fewer than one RSA per 10 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one RSA for every 10 individuals being served).

- 2) A facility shall not employ an individual as an RSA unless the facility has inquired of the Department as to information in the Department's Nurse Aide Registry concerning the individual. (Section 3-206.01 of the Act) The Department shall advise the inquirer if the individual is on the Registry; if the individual has findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check. (See Section 300.661 of this Part.)

- 3) The facility shall ensure that each RSA complies with one of the following conditions:

- A) Is approved on the Department's Nurse Aide Registry. "Approved" means that the RSA has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.

- B) Begins a Department of Human Services approved Resident Services Aide Training Program (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The RSA shall successfully complete the training program within 120 days after the date of initial employment. An aide enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not be employed more than 120 days prior

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) to successfully completing the program. Within 120 days after initial employment, submit documentation to the Department in accordance with Section 300.663 of this Part to be registered on the Nurse Aide Registry.

- 4) Each person employed by the facility as an RSA shall meet each of the following requirements:

- A) Be at least 16 years of age, of temperate habits and good moral character, honest, reliable, and trustworthy (Section 3-206(a)(1) of the Act);
- B) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents (Section 3-206(a)(2) of the Act);
- C) Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment as an RSA (Section 3-206(a)(3) of the Act);
- D) Have completed at least eight years of grade school or provide proof of equivalent knowledge (Section 3-206(a)(4) of the Act).

- 5) The facility shall certify that each RSA employed by the facility meets the requirements of this Section. The certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

- 6) During inspections of the facility, the Department may require RSAs to demonstrate competency in the principles, techniques, and procedures covered by the basic RSA training program curriculum described in the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 393), when possible problems in the care provided by aides or other evidences of inadequate training are observed. The State approved manual skills evaluation testing format and forms will be used to determine competency of an aide when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the RSA training principles and techniques relative to the procedures in which the aides are found to be deficient during inspection (see 77 Ill. Adm. Code 395).

b) Registry of Certified Resident Services Aides

- 1) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code and has met background check information required in Section 300.663 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act.
- 2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.663

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

of this Part and submits documentation supporting one of the following equivalencies:

- A) Documentation of current registration from another state as an RSA.
- B) Documentation of successful completion of an RSA training course approved by another state as evidenced by a diploma, certification or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for RSAs in the Long-Term Care Assistants and Aides Training Programs Code.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 300.6095 Training and Continuing Education for Facilities Subject to Subpart F

- a) Within the first 12 months after the facility elects to comply with Subpart F, the Resident Services Director, Resident Services Coordinators and the Director of Nursing shall attend an approved Illinois Department of Public Aid training program.
- b) Within 12 months after completing the IDPA approved training and annually thereafter, the RSD, RSC, and DON shall participate in at least six continuing education units on psychiatric rehabilitation.
- c) All consultants who are not physicians providing services at the facility shall attend the approved IDPA Psychiatric Rehabilitation Training Program.

(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 300 APPENDIX G Facility Report

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

Facility Name _____ Phone _____
Address _____ City _____ Zip _____
Facility-wide occurrence? Yes ___ No ___ Resident Name _____
Age ___ Mr ___ F ___

Were other residents involved? Yes ___ No ___ (Complete this form for each resident unless assurance is facility wide.)

| | | |
|----------------------------|--------------------------------|-----------------------|
| Type of occurrence: | 7. Fire | Evacuation: |
| 1. Suspected abuse/neglect | 8. Bldg. emergency | Yes ___ No ___ |
| 2. Missing person | 9. Loss of essential utilities | # of residents |
| 3. Communicable disease | 10. Bomb threat | evacuated from _____ |
| 4. Medication error | 11. Serious injury | Expected return _____ |
| 5. Unexplained death | 12. Sexual assault | |
| 6. Loss of essential staff | 13. Other _____ | |

Status of resident:

Witness to occurrence:

| | | |
|----------------------------|----------------|-----------------------------|
| Police Notified? | Yes ___ No ___ | Comment: |
| Doctor Notified? | Yes ___ No ___ | Comment: |
| Resident sent to hospital? | Yes ___ No ___ | Comment: |
| Resident Hospitalized? | Yes ___ No ___ | Date: _____ Hospital: _____ |
| Family/Guardian Notified? | Yes ___ No ___ | Comment: |

Complete Description of Occurrence:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Further description attached?

Person completing form:

Form Faxed? Yes ☐ No ☐by whom? ☐date ☐ time ☐Title: ☐No ☐by whom? ☐date ☐ time ☐Reported by phone? Yes ☐No ☐by whom? ☐date ☐ time ☐

(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Relocation Assistance Services and Payments Program for Airport Projects

2) **Code Citation:** 92 Ill. Adm. Code 12

3) **Citation Numbers:**

12.10

12.20

12.30

12.40

Proposed Action:

New Section

New Section

New Section

New Section

4) **Statutory Authority:** Implementing Sections 28 and 29, and authorized by Sections 34a, 37 and 38, of the Illinois Aeronautics Act [620 ILCS 5/28, 29, 34a, 37 and 38]; by Section 5-675 of the Civil Administrative Code of Illinois (Part 9) [20 ILCS 5/5-675]; and by Sections 2a and 3 of the Displaced Person Relocation Act [310 ILCS 40/2a and 3].

5) **A. Complete Description of the Subjects and Issues Involved:** The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the Uniform Act) [42 USC 4601 et seq.] applies to all federal or federally assisted activities that involve the acquisition of real property or the displacements of persons caused by project rehabilitation, including construction or demolition activities. The Illinois Department of Transportation, Division of Aeronautics (the Division) is required to adopt rules relative to relocation assistance and payments for property purchases in connection with airport projects for which the State intends to provide State or federal funds.

This Part will assure prompt and equitable relocation and reestablishment of persons, businesses, farm operations and not for profit organizations displaced as a result of the acquisition of property for those airport projects. This Part establishes a means, through the incorporation by reference of pertinent materials, of providing relocation services and of making moving cost payments, replacement housing cost payments and other expense payments to persons or businesses displaced as a result of programs designed for the benefit of the public. The Federal Aviation Administration can deny funding unless Illinois has adopted correct procedures and the Department provides assurances that the federally mandated standards will be followed. This Part is also designed to comply with federal requirements and to obtain financial participation in federal projects.

This program requires the Division to follow procedures so that every individual displaced will have, or will have been offered, a comparable decent, safe and sanitary dwelling to move into upon being required to vacate the dwelling acquired. This Part will also require that relocation services be furnished and that payments be made to those who are required to relocate to compensate for, in whole or in part, costs incurred for

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

moving, replacement housing and other expenses as described in the Part. Finally, this Part will provide for a review procedure to encourage the amicable resolution of controversies that may arise concerning payments.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. James Bildilli
Chief, Bureau of Airport Engineering
Division of Aeronautics
Illinois Department of Transportation
41 Langhorne Bond Drive
Springfield, Illinois 62707
(217) 785-8514

JOAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not for profit corporations will be afforded all benefits as prescribed by

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

State and federal laws. Types of small businesses and not for profits include, beauty shops, gas stations, in-home businesses and churches.

- B) Reporting, bookkeeping or other procedures required for compliance: Claims forms must be completed and estimates, receipts and checks for expenses must be kept.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The need for rules in this area for the Division of Aeronautics only recently became known to Department officials, therefore, a description of this Part was not published as part of a recent Department regulatory agenda.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER b: AERONAUTICS

PART 12
 RELOCATION ASSISTANCE SERVICES AND PAYMENTS PROGRAM FOR
 AIRPORT PROJECTS

Section

12.10 Purpose

12.20 Definitions

12.30 Incorporation by Reference

12.40 Appeal Procedures

AUTHORITY: Implementing Sections 28 and 29, and authorized by Sections 34a, 37 and 38, of the Illinois Aeronautics Act (620 ILCS 5/28, 29, 34a, 37 and 38); by Section 5-675 of the Civil Administrative Code of Illinois (Part 9) (20 ILCS 5/5-675); and by Sections 2a and 3 of the Displaced Person Relocation Act (310 ILCS 40/2a and 3).

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Section 12.10 Purpose

The purpose of this Part is to establish policies and procedures for the Division of Aeronautics, Illinois Department of Transportation, when applying the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the Uniform Act) (42 USC 4601 et seq.) to airport projects for which the State intends to provide State or Federal financial assistance and that involve the displacement of persons, farm operators, or businesses. This Part establishes a means of providing relocation services and of making moving cost payments, replacement housing cost payments, and other expense payments to persons or businesses displaced as a result of programs designed for the benefit of the public. It is also designed to assure compliance with the Federal requirements of the Uniform Act and the Federal rules titled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs" (49 CFR 24, October 1, 1999) to assure federal participation on federally-aided projects.

Section 12.20 Definitions

The following definitions are in addition to those found in the incorporated material in Section 12.30 and apply for purposes of this Part:

"Chief of Airport Engineering" - means the Registered Professional Engineer acting as the Chief, Bureau of Airport Engineering, Division of Aeronautics, Illinois Department of Transportation. This term also

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

includes a designee.

"Department" - means the Illinois Department of Transportation.

"Director" - means the Director, Division of Aeronautics, Illinois Department of Transportation. This term also includes a designee.

"Division" - means the Illinois Department of Transportation, Division of Aeronautics.

"FAA" - means the United States Department of Transportation, Federal Aviation Administration.

"State" - means the State of Illinois or may mean the Illinois Department of Transportation.

"Uniform Act" - means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601 et seq.).

Section 12.30 Incorporation by Reference

This Part incorporates references that are the basis and guidelines for the development of the Division's policy for airport projects for which federal financial assistance may be requested and for relocation assistance services and payments for persons or businesses displaced as a result of those projects. The materials listed in subsections (a) and (b) of this Section are incorporated as a part of this Part and are effective as indicated, not including any later amendments or editions. Copies of the appropriate materials are available from the Division of Aeronautics, #1 Langhorne Bond Drive, Springfield, Illinois 62707, (217) 785-8514; or at aerodot.state.il.us.

a) 49 CFR 24 - Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, October 1, 1999 edition.

b) U.S. Department of Transportation, Federal Aviation Administration - Land Acquisition and Relocation Assistance for Airport Projects, dated April 4, 1994, Order #5100.37A.

Section 12.40 Appeal Procedures

a) If a claim for payment is denied, in whole or in part, the Division will notify the displaced person or business in writing within 30 calendar days after receipt of the claim. This notification will also inform the person of the right to request a review of the denial by the Chief of Airport Engineering.

b) A displaced person may file a written request for review within 60 calendar days after receipt of written notification denying the claim.

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

The request for review shall be filed with the Chief of Airport Engineering at #1 Langhorne Bond Drive, Springfield, Illinois 62707, (217) 785-0514, Fax #: (217) 785-4533. If the displaced person does not file a request for review within 60 calendar days after receipt of written notification denying the claim, the displaced person shall be deemed to have waived his/her opportunity to file a request for review. In that case, the approved amount of the claim, if any, will be processed for payment.

1) The Division will consider a written request for review regardless of form. Upon receipt of the request for review, the Chief of Airport Engineering will assign a date and place for the review meeting. Written notification of the date and place will be provided to the displaced person in person or by certified mail, return receipt requested, at least 10 days prior to the scheduled date for review. The Chief of Airport Engineering will designate a person to conduct the review who was not directly involved in the action being reviewed.

2) Prior to the review, the displaced person will be permitted to inspect and copy all materials pertinent to his/her review in accordance with the Freedom of Information Act (5 U.S.C. 552).

3) The displaced person, or a representative, will be afforded a full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by another person will be at the sole expense of the displaced person.

4) The Chief of Airport Engineering will determine an appropriate payment based upon the facts presented and the law. Written notification of the decision by the Chief of Airport Engineering will be sent by certified mail, return receipt requested, within 15 calendar days after the date of the review.

5) If the Chief of Airport Engineering's decision upholds the denial of payment, in whole or in part, the written notification will detail the reasons supporting the denial and will also advise the displaced person of his/her right to request a final review by the Director if he/she is dissatisfied with the review findings of the Chief of Airport Engineering. If the displaced person does not request a final review within 15 calendar days after written notification of the denial has been sent by the Chief of Airport Engineering, the displaced person shall be deemed to have waived his/her opportunity to file a request for a final review.

A) A displaced person may request a final review, by notifying the Director in writing at the address provided in subsection (b) of this Section.

B) Upon receipt of the request for a final review, the Director will assign a date and place for the final review meeting. Written notification of the date and place of the final review will be delivered either in person or by certified mail, return receipt requested, at least 10 days prior to

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

the scheduled date for final review. The Director will designate a person to conduct the review who was not directly involved in the action being reviewed.

C) The displaced person, or representative, will be afforded a full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by another person will be at the sole expense of the displaced person.

D) The Director will determine the final disposition of the payment based upon the facts presented and the law. Written notification of the Director's decision and the reasons supporting his/her decision will be sent by certified mail, return receipt requested, within 15 calendar days after the date of the final review.

E) The decision by the Director is final. The displaced person will be advised of his/her right to seek redress through judicial review.

c) The Division will promptly resolve all appeals. However, the Director may extend any time period provided in this Part for up to 30 days upon written request from either the displaced person or the Chief of Airport Engineering.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3) Section Number: 310.280
Adopted Action:
 Amend

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ICS 415/8 and 8a].

5) Effective Date of Amendment: March 14, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: October 13, 2000, Issue #42, 24 Ill. Reg. 14844

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency rulemaking currently in effect?
 No

14) Are there any proposed amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Ill. Register Citation |
|--------------------------|-----------------|------------------------|
| 310.280 | Amend | 24 Ill. Reg. 15486 |
| 310-Appendix A, Table AB | Amend | 24 Ill. Reg. 16151 |
| 310.290 | Amend | 24 Ill. Reg. 17384 |
| 310.280 | Amend | 25 Ill. Reg. _____ |

15) Summary and Purpose of Amendments: In Section 310.280, Designated Rate, the position code for a Public Service Administrator (37015-42-35-110-03) is being corrected within the Department of Commerce and Community Affairs.

16) Information and questions regarding this adopted amendment shall be

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

directed to:

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 (217) 782-5601

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
 PART 310
 PAY PLAN
 SUBPART A: NARRATIVE

Section
 310.20 Policy and Responsibilities
 310.30 Jurisdiction
 310.40 Pay Schedules
 310.40 Definitions
 310.50 Conversion of Base Salary to Pay Period Units
 310.60 Conversion of Base Salary to Daily or Hourly Equivalents
 310.70 Increases in Pay
 310.80 Decreases in Pay
 310.90 Other Pay Provisions
 310.100 Implementation of Pay Plan Changes for Fiscal Year 2000
 310.110 Interpretation and Application of Pay Plan
 310.120 Effective Date
 310.130 Reinstitution of Within Grade Salary Increases (Repealed)
 310.140 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades,
 310.150 July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
 310.205 Introduction
 310.210 Prevailing Rate
 310.220 Negotiated Rate
 310.230 Part-Time Daily or Hourly Special Services Rate
 310.240 Hourly Rate
 310.250 Member, Patient and Inmate Rate
 310.260 Trainee Rate
 310.270 Legislated and Contracted Rate
 310.280 Designated Rate
 310.290 Out-of-State or Foreign Service Rate
 310.300 Educator Schedule for RC-063 and HR-010
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant
 310.330 Executive Director, State Board of Elections
 310.340 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section
 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year 2000
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System,
 July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
 TABLE AA NR-916 (Department of Natural Resources, Teamsters)
 TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
 TABLE C RC-069 (Firefighters, AFSCME)
 TABLE D RC-001 (Teamsters Local #726)
 TABLE E RC-020 (Teamsters Local #330)
 TABLE F RC-019 (Teamsters Local #25)
 TABLE G RC-045 (Automotive Mechanics, IPFE)
 TABLE H RC-006 (Corrections Employees, AFSCME)
 TABLE I RC-009 (Institutional Employees, AFSCME)
 TABLE J RC-014 (Clerical Employees, AFSCME)
 TABLE K RC-023 (Registered Nurses, INA)
 TABLE L RC-008 (Boilermakers)
 TABLE M RC-110 (Conservation Police Lodge)
 TABLE N RC-010 (Professional Legal Unit, AFSCME)
 TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)
 TABLE Q RC-033 (West Inspectors, IPFE)
 TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
 TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
 TABLE T HR-010 (Teachers of Deaf, IFT)
 TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
 TABLE V CU-500 (Corrections, Meet and Confer Employees)
 TABLE W RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

| | |
|------------|---|
| TABLE X | RC-063 (Professional Employees, AFSCME) |
| TABLE Y | RC-063 (Physicians, AFSCME) |
| TABLE Z | Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2000 |
| APPENDIX A | Medical Administrator Rates for Fiscal Year 2000 |
| APPENDIX B | Merit Compensation System Salary Schedule for Fiscal Year 2000 |
| APPENDIX C | Teaching Salary Schedule (Repealed) |
| APPENDIX D | Physician and Physician Specialist Salary Schedule (Repealed) |
| APPENDIX E | Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000 |
| APPENDIX F | |
| APPENDIX G | |

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15367, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; emergency amendment at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 1, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 11 Ill. Reg. 3811, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 25, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16550, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10489, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 8411, effective February 2, 1993; amended at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 22 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16159, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12943, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 1, 2001.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II
(Pos. No. 12932-42-35-110-10-02) Annual Salary
54,048

Private Secretary II
(Pos. No. 34202-42-00-000-01-02) Annual Salary
48,492

Public Information Officer IV
(Pos. No. 37004-42-00-005-10-01) Annual Salary
64,932

Public Service Administrator
(Pos. No. 37015-42-35-110-10-03)
(Pos. No. 37015-42-35-140-20-01) Annual Salary
75,586

Public Service Administrator
(Pos. No. 37015-42-35-140-20-01) Annual Salary
82,116

Department of Human Services

Medical Administrator I, Option D
(Pos. No. 26401-10-79-006-00-21) Annual Salary
142,368

Public Service Administrator Annual Salary

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

(Pos. No. 37015-10-23-100-30-01) 73,632
Senior Public Service Administrator Annual Salary
(Pos. No. 40070-10-65-000-00-01) 105,475
Senior Public Service Administrator Annual Salary
(Pos. No. 40070-10-81-920-00-21) 105,480

Illinois State and Local Labor Relations Board

Private Secretary II
(Pos. No. 34202-30-19-000-00-01) Annual Salary
51,900

Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01) Annual Salary
50,520

Department of State Police

Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01) Annual Salary
109,358

(Source: Amended at 25 Ill. Reg. 4552, effective March 1, 2001)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Crisis Assistance

2) Code Citation: 89 Ill. Adm. Code 116

3) Section Numbers: Adopted Action:
116.500 Amendment

4) Statutory Authority: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

5) Effective Date of amendment: March 15, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 4, 2000, 24 Ill. Reg. 11460

10) Has JCAR Issued a Statement of Objection to this amendment? Yes. The Department's response has been submitted to the Joint Committee on Administrative Rules.

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendment:

1. At the end of Section 116.500(a) (2), "for any reason" was added.
2. Section 116.500(a)(3) was changed to: A caretaker spouse and child have left the residence occupied by a person spouse who was physically abusing the now homeless caretaker spouse or child.
3. In Section 116.500(a)(6), "monthly" was added before "payment" and "for a family of that size" was added after "level".
4. At the end of Section 116.500(e), "food stamp benefits, child care co-payments, and other needs-based assistance issued by the Department." was added.
5. At the end of Section 116.500(f), "(See 89 Ill. Adm. Code 112.)" was added.

12) Have all the changes agreed upon by the agency and JCAR been made as

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of amendment: This rulemaking revises the Crisis Assistance provisions.

16) Information and questions regarding this adopted amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES.

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER 4: GENERAL PROGRAM PROVISIONSPART 116
CRISIS ASSISTANCE

- Section
116.10 Incorporation By Reference
116.400 Crisis Assistance Programs (Repealed)
116.500 Crisis Assistance **Payments**
116.510 Emergency Assistance Program (Repealed)
116.520 Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filled and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1986; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. 7695, effective June 5, 1995; amended at 19 Ill. Reg. 16852, effective December 11, 1995; emergency amendment at 21 Ill. Reg. 8612, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15507, effective November 26, 1997; amended at 24 Ill. Reg. 4562, effective April 15, 1998.

Section 116.500 Crisis Assistance **Payments**

- a) A crisis assistance payment may be provided to TANF recipients, as per Section 4-12 9-12 of the Illinois Public Aid **Aide** Code [305 ILCS 5/4-129-12], in the following situations:

1) *The family is rendered homeless or is threatened with homelessness as a result of a fire, flood or other natural disaster. The family is rendered homeless--or--is threatened with--homelessness--as-a-result-of-a-fire, flood-or-other-natural disaster.*

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) *The family has an eviction or a court order to vacate the premises for any reason. The family has an eviction-or-a-court-order-to-vacate-the-premises.*
3) *A caretaker spouse and child have left the residence occupied by a person spouse who was physically abusing the now homeless caretaker spouse or child.*
4) *The family is deprived of essential items of furniture and/or clothing by fire, flood or other natural disaster. The family is deprived of essential-items-of-furniture-and/or-clothing-by-fire-flood-or-other-natural-disaster.*
5) *The family is deprived of food as a result of fire, flood, or other disaster which does not render the family homeless and the need cannot be met. The family is deprived-of-food-as-a-result-of-through the food stamp program. Food cannot be authorized for replacement-of-lost-or-stolen-food-stamps.*
6) *As a result of documented theft or documented loss of cash, the family is deprived of food or essential clothing. The amount issued for lost/stolen cash cannot exceed the amount that was lost and can never exceed the amount of the monthly payment level for a family of that size. As-a-result-of-documented-theft-or-documented-loss-of-cash,--the-family-is-deprived-of-food-or-essential-clothing--or--the-family-is-deprived-of-shelter-or-immediately-threatened-with-deprivation-of-shelter-as-evidence-by-a-court-order-requiring-immediate-eviction-due-to-nonpayment-of-rent.*

7) The family has non-medical needs related to essential medical care. Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:

- A) Food - when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.
B) Lodging - when overnight lodging is required to obtain essential or specialized medical care.
C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance Program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.

b) Payment shall be made for the following items when the recipient has demonstrated a need for such an item:

- 1) One month's rent;
2) Food (minus the amount of available food stamps);
3) Essential clothing;

A) Essential clothing is defined as those articles of clothing appropriate for the season which the recipient would have purchased with the money which is lost or stolen;
B) If everyone in the assistance unit has at least one full set

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

of clothing, appropriate to the season, this allowance for clothing will not be authorized;

- 4) Household supplies;
 - 5) Essential household furnishings; and
 - 6) Non-medical needs related to essential medical care.
- Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's doctor.

c) Maximum Payments

- 1) Shelter Costs: One month's rent not to exceed \$250.
- 2) Clothing, Household Supplies

| Size of Assistance Unit | Clothing | Household Supplies |
|-------------------------|----------|--------------------|
| 1 | \$ 34.00 | \$11.00 |
| 2 | \$ 58.00 | \$14.00 |
| 3 | \$ 82.00 | \$17.00 |
| 4 | \$117.00 | \$20.00 |
| 5 | \$146.00 | \$20.00 |
| 6 | \$174.00 | \$20.00 |
| 7 | \$204.00 | \$22.00 |
| 8 | \$233.00 | \$22.00 |
| 9 | \$261.00 | \$23.00 |
| 10 | \$291.00 | \$24.00 |

- 3) Food - \$5 per person per day until the receipt of the next regular payment not to exceed 30 days.

4) Household Furnishings

- A) Kitchen table - \$50 (one per assistance unit)
- B) Kitchen Chair - \$10 (one per person in assistance unit)
- C) Beds - to ensure adequate sleeping facilities for all members of the assistance unit.

- i) Bed frame \$30
- ii) Single mattress and springs - \$70
- iii) Double mattress and springs - \$100
- iv) Bunk beds (including mattresses and springs) - \$130
- v) Crib (including mattress) - \$65

5) Non-Medical Needs Related to Essential Medical Care

- A) Food - \$9 a day or \$3 per meal.
- B) Lodging - Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.
- C) Transportation - When transportation cannot be provided by

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the Medical Assistance Program, transportation expenses shall be approved for the least expensive mode of transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at 14¢ per mile.

d) Time Limits

A decision on a request shall be made within 5 work days of the date of request. Assistance shall be authorized within 2 work days following the decision.

- e) Program-Restriction Assistance provided through the Crisis Assistance Program shall not be considered as income in computing the regular assistance grant, food stamp benefits, child care co-payments, and other needs-based assistance issued by the Department. ~~When a recipient may only receive special assistance during one period of 30 consecutive days in any 12 consecutive months, this may include payments to meet needs which occur before or extend beyond the 30-day period. However, this provision does not apply to non-medical needs related to essential medical care. Payment for non-medical needs regardless of whether the client has received a Special Assistance Payment in the past twelve months. A client may receive a Special Assistance Payment for a reason other than a non-medical need related to essential medical care regardless of whether a Special Assistance Payment for non-medical needs has been made within the past twelve months for recipients participating in the Homestead-Pantries-Support Project, see Section 170-30.~~

- f) Assistance is provided only if the destitution or need did not arise from a refusal, without good cause, to accept employment or training for employment. (See 89 Ill. Adm. Code 112.)

(Source: Amended at 24 Ill. Reg. 4566, effective 10/1/00)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services

2) Code Citation: 89 Ill. Adm. Code 590

3) Section Numbers: Adopted Action:

590.310 Amendment
590.315 New
590.320 Amendment
590.340 Amendment
590.350 Amendment
590.360 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

5) Effective Date of Amendments: April 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 3, 2000, 24 Ill. Reg. 16190

10) Has JCAR Issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 590.315(a), added "equal or greater" after "an" and before "opportunity".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This rulemaking amends various Sections of this Part to address changes in the federal Rehabilitation Act. More significantly, the "Self Employment Program" for VR customers has been revised to clarify eligibility requirements. Also the outcome of such a program has been given specific earning levels that must be attainable.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER B: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section
590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.75 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section
590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Service
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section
590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.300 Default on Educational Loans

SUBPART D: SELF EMPLOYMENT PROGRAM TOOLS-7-EQUIPMENT-7-SUPPLIES-AND
INSTRUMENTS-7-VEHICLES

Section
590.310 Provision of Services
590.315 Eligibility
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section
590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DHS-ORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section
590.450 Provision of Services
590.460 Types of Services
590.470 Services/Equipment
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section
590.500 Provision of Services (Repealed)
590.510 Definitions (Repealed)
590.520 Purpose of Equipment Loans (Repealed)
590.530 Criteria for Loan of Equipment/Aids (Repealed)
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
590.550 Duration of Loans (Repealed)
590.560 Maintenance and Return of Equipment/Aids (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
 590.580 Limitations on Available Equipment/Aids (Repealed)

SUBPART H: OTHER SERVICES

Section
 590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section
 590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section
 590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ICFS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ICFS 5-625].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375, effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1996; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days; emergency expired on November 27, 2000; amended at 24 Ill. Reg. 18561, effective November 30, 2000; amended at 24 Ill. Reg. 13687, effective August 23, 2000; amended at 25 Ill. Reg. 4568, effective April 1, 2001.

SUBPART D: SELF EMPLOYMENT PROGRAM TOOLS, EQUIPMENT, SUPPLIES AND INITIALS-SP06C

Section 590.310 Provision of Services

- a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.
- b) Prior to provisions of any of the services listed in this Subpart, the counselor shall consult with the appropriate regional/central office resource specialist when considering self-employment as an employment goal for a customer client. DHS-ORS participation in such a program must be approved in writing by the Rehabilitation Services Supervisor prior to initiation of an individualized Plan for Employment (IPE).
- c) ~~Written Rehabilitation Program (WRP)~~ (89 Ill. Adm. Code 572).
Self-employment is a customer working for oneself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.

(Source: Amended at 25 Ill. Reg. 4568, effective April 1, 2001.)

Section 590.315 Eligibility

- a) If an option other than self-employment exists that will provide the customer with an equal or greater opportunity for successful employment outcome, the customer is not eligible for the Self-Employment Program.
- b) To be eligible for participation in the Self-Employment Program the customer must have:
 - 1) prior successful business operation experience, or
 - 2) previous formal education and/or training in business and business operation, as indicated by a two or four year degree in business/financial management or a related field.
- c) There shall be documented evidence in the case file that

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

self-employment is a viable employment option for the customer that is consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the customer.

- d) Self-employment shall enable the customer to engage in gainful employment that will generate income at a level equal to or above the earnings level of Substantial Gainful Activity (SGA) as determined annually by the U.S. Social Security Administration for Title II recipients.

(Source: Added at 25 Ill. Reg. 4568, effective _____)

Section 590.320 Self-Employment Program

- a) Those tools, equipment, supplies and initial stock necessary to begin a specific business may be provided to a customer in order for him/her to obtain a successful employment outcome when it has been determined self-employment is a realistic employment goal for the individual. As with any employment, certain elements of success must be determined which will enable the individual to engage in gainful employment which will generate income at a level to meet the majority of his/her anticipated living expenses. Further, the vocational goal must be reasonable for the individual based on his/her anticipated potential for success, the determination of potential for success shall be based on the customer's prior successful business operation experience and/or previous formal education and/or training in business and business management as indicated by one of the following documented business/financial management criteria: a) self-initiated documented evidence that self-employment is a viable employment option for the customer; All tools, equipment, supplies and initial stock purchased for a customer must be specifically listed in the customer's IPE IWRP (89 Ill. Adm. Code 572).

- b) The services described in this Subpart shall not be provided to any customer when, as a result of the Comprehensive Assessment of Rehabilitation Needs (499 Ill. Adm. Code 443-186) (Assessment) here is evidence that an option other than self-employment exists which will provide the customer with an equal or greater opportunity for a successful employment outcome. Determination of success must be made by the customer and counselor during the Assessment phase of case development.

- b) DHS-ORS shall pay up to 50% of the eligible costs of the customer's Self-Employment Program.

- 1) The cost shall not include those listed as ineligible in Section 590.330 or any in-kind contributions.
- 2) This percentage shall be applied before the application of the DHS-ORS financial participation (see 89 Ill. Adm. Code 562).
- 3) All required financial participation shall be applied to the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) DHS-ORS shall pay up to 100% of the cost.

d) DHS-ORS shall pay up to 100% of any Self-Employment Program cost associated with accommodating the customer's disability.

- de) Prior to the provision of such services, the customer must complete a business plan for development of the business. The business plan shall include, but not be limited to:

- 1) a full description of the proposed business or service operation;
- 2) the customer's qualifications for, interest in, and need for self-employment as an employment outcome as evidenced by the customer's Assessment;
- 3) the estimated total capital needs for the establishment of the business and evidence of the availability of such funds (i.e., personal account statements, verification of loan availability, complete listing of all personal liabilities);
- 4) financial estimates for the first 12 months of operation;
- 5) plans for business development and marketing;
- 6) evidence the proposed business has a reasonable chance of success (i.e., provide net income to meet a majority of the customer's living expenses) as established by:
 - A) market surveys;
 - B) signed statements from consultants and experts that the business has a reasonable chance of success based on market conditions, demand and competition; and
- 7) commitment for additional financing necessary to make the business operational.

- gd) During the first six months of operation, the customer must provide monthly statements to the counselor detailing the financial activity of the business, including a statement of profit or loss.

- fe) At a minimum after the first three months and six months of operation, the customer must provide the counselor full detailed inventory of all tools, equipment, supplies and stock purchased to establish the business, regardless of the purchaser, frequency of the inventory shall be determined by the counselor and appropriate DHS-ORS staff.

- gf) All tools, equipment, supplies and initial stock shall be maintained by the customer in good order. The customer is expected to maintain all tools, equipment, supplies and initial stock in like-new condition.

- g) The customer must ensure all proper up-keep and maintenance is done as specified by the manufacturer. In the event of break-down or defect, the customer must have the item repaired. As most items carry a manufacturer warranty, all costs should be covered under such provisions.

- hg) The customer is expected to maintain and replenish an adequate supply of all initial stock and supplies.

- ih) DHS-ORS shall maintain title to all tools, equipment, supplies and initial stock purchased with DHS-ORS funds for at least the first six months of operation of the business enterprise. Disposition of the title shall be determined per 89 Ill. Adm. Code 590.350 and 590.360.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 4568-2, effective

Section 590.340 Bidding Requirements

- a) For the purchase of any tools, equipment, supplies and initial stock, under this Subpart, DHS-ORS shall ~~it follow its bidding procedures as required by 44-111-Adm-Code-11757--and~~ ~~it~~ obtain three or more competitive bids from qualified vendors for any purchase which exceeds \$1,000 500-00 unless the counselor, with input from the customer client, can document that the ~~items item(s)~~ to be purchased ~~are is~~ ~~are~~ available from fewer than 3 sources. In such case the number of bids attainable shall be sought.
- b) The lowest bid received shall be selected in each case unless there are documented reasons to reject the lowest bid or the client chooses another bidder and pays the difference between the bids. Documentation to reject the lowest bid shall include, but not be limited to, poor past service from the vendor submitting the lowest bid, the inaccessibility of the vendor for service and repair, or the need to avoid delays in obtaining the ~~items item(s)~~ when the lowest bidder indicates delivery of the items may be prolonged.

(Source: Amended at 25 Ill. Reg. 4568-2, effective

Section 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock

- a) DHS-ORS shall retain title to any tools, equipment and supplies purchased for a customer client by DHS-ORS to establish a business.
- b) If, after establishment of the business and prior to conveyance of title of all tools, equipment, supplies and initial stock purchased by DHS-ORS, the business does not succeed ~~or~~ the customer client fails to cooperate by not providing all reports and records required by this Subpart and/or deliberately misrepresents or has misrepresented necessary information, reports, and records for the purpose of receiving services, DHS-ORS shall make full recovery of all tools, equipment and remaining supplies and initial stock purchased by DHS-ORS for establishment of the business. Fair cash value shall be acceptable in lieu of recovering the tools, equipment, supplies and initial stock.
- c) All remedies available to DHS-ORS, including court action, shall be taken by DHS-ORS if the ~~customer individual~~ is unwilling to return the items.

(Source: Amended at 25 Ill. Reg. 4568-2, effective

Section 590.360 Transfer of Title

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

If, after completion of ~~at least the first six months~~ the development of a business enterprise, the documentation provided by the customer client and verified by the counselor indicates the customer's ~~client's~~ success and verification that the enterprise has produced profits to the customer equal to SGA for at least 9 months ~~an expectation that the business enterprise can be expected to produce a major portion of the client's living expenses, title to any tools, equipment, supplies and initial stock purchased as part of the customer's TPE client's IWRP~~ (89 Ill. Adm. Code 572) shall may be transferred by DHS-ORS to the customer client.

(Source: Amended at 25 Ill. Reg. 4568-2, effective

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Derivative Instruments
- 2) Code Citation: 50 Ill. Adm 806
- 3) Section Numbers:
806.40
Amendment
- 4) Statutory Authority: Implementing Article VII and authorized by Section 126.8 and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VII and 401].
- 5) Effective Date of Rulemaking: March 15, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 17 2000, 24 Ill. Reg. 16883

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version:

- a) In Section 806.40(e)(1), deleted all text and added "1). Comply with the following requirements."
 - b) In Section 806.40(e)(1)(B), changed "RBC" to "Risk Based Capital".
 - c) In Section 806.40(e)(2), added "(Volume - Issue 99-2, July 2000, no subsequent dates or editions)" after "National Association of Insurance Commissioners".
 - d) In Section 806.(e)(3), deleted all text after "National Association of Insurance Commissioners;" and added "after June 1, 2002, the Director may waive this duplicate filing requirement."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: Sections 126.18 and 126.21 of the Illinois Insurance Code (215 ILCS 5/126.18 and 126.3) prohibit insurers from using derivative instruments for replication and synthetic asset transactions until "the Director promulgates reasonable rules that set forth methods of disclosure, reserving for risk based capital, and determining the asset valuation reserve for these investments." The NAIC has adopted changes to the annual statement blank, specific accounting rules, and specific requirements for risk-based capital treatment of derivatives used for replication transactions. Our regulatory requirements use each of these components. The adopted amendment to Part 806 lifts the prohibition against the use of derivative instruments for replication and synthetic asset purposes.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Larry M. Gorski
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-1794

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER J: INVESTMENTS OF DOMESTIC COMPANIES

PART 806

DERIVATIVE INSTRUMENTS

Section

806.10

Purpose

806.20

Applicability

806.30

Definitions

806.40

Guidelines and Internal Control Procedures

806.50

Documentation Requirements

806.60

Trading Requirements

AUTHORITY: Implementing Article VIII and authorized by Sections 126.8 and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII and 401].

SOURCE: Adopted at 22 Ill. Reg. 15300, effective August 10, 1999; amended at 25 Ill. Reg. 4578, effective MAY 15 2001.

Section 806.40 Guidelines and Internal Control Procedures

a) Before engaging in a derivative transaction, an insurer shall establish written guidelines that shall be used for effecting and maintaining the transactions. The guidelines shall:

- 1) Address investment or, if applicable, underwriting objectives, and risk constraints, such as credit risk limits;
- 2) Address permissible transactions and the relationship of those transactions to its operations, such as a precise identification of the risks being hedged by a derivative transaction; and
- 3) Require compliance with internal control procedures.

b) An insurer shall have a system for determining whether a derivative instrument used for hedging has been effective. In so doing a company should set specific criteria at the inception of the hedge as to what will be considered "effective" in measuring the hedge and then apply those criteria in the ongoing assessment based on actual hedge results.

c) An insurer shall have a credit risk management system for over-the-counter derivative transactions that measures credit risk exposure using the counterparty exposure amount.

d) An insurer's board of directors shall, in accordance with Section 126.4 of the Illinois Insurance Code [215 ILCS 5/126.4]:

- 1) Approve the guidelines required by subsection (a) of this Section and the systems required by subsections (b) and (c) of this Section; and
- 2) Determine whether the insurer has adequate professional personnel, technical expertise and systems to implement

investment practices involving derivatives.

e) An insurer may use derivatives for replication transactions as permitted pursuant to Sections 126.18 and 126.31 of the Illinois Insurance Code [215 ILCS 5/126.18 and 126.31]. An insurer engaging in replication transactions shall:

1) Comply with the following requirements:

- A) The disclosure and annual and quarterly statement reporting of such replication transactions;
- B) The inclusion of such transaction in the insurer's Risk Based Capital Report (as required by Section 35A-10 of the Illinois Insurance Code [215 ILCS 5/35A-10]); and
- C) If applicable, the calculation and reporting of the asset valuation reserve for such transaction;

2) Comply with the filing requirements for Replication Synthetic Asset Transactions (RSATs) contained in the purposes and Procedures Manual of the Securities Valuation Office of the National Association of Insurance Commissioners (Volume-Issue 99-2, July 2000, no subsequent dates or editions);

3) File with the Director of Insurance a duplicate copy of all RSAT filings made with the Securities Valuation Office of the National Association of Insurance Commissioners; after June 1, 2002, the Director may waive this duplicate filing requirement;

4) Have a system for determining whether a replication transaction has been effective in replicating the intended investment position; and

5) Include all replicated investment positions in calculating compliance with the limitations on investments contained in Article VIII of the Illinois Insurance Code [215 ILCS 5/Art. VIII]; provided, that no replicated investment position shall be held pursuant to the additional investment authority contained in Sections 126.20 and 126.32 of the Illinois Insurance Code [215 ILCS 5/126.20 and 126.32].

AGENCY NOTE: For purposes of determining whether internal control procedures are in compliance with this Part, the Department may consider, but is not limited to, the following items: that only board authorized individuals can effect derivative instrument transactions, that there is a separation of administrative functions from trading positions, that periodic reporting to chief investment officer of open positions occurs and that periodic assessing of effectiveness of hedging transaction be conducted by a designated person.

(Source: Amended at 25 Ill. Reg. 4578, effective MAY 15 2001.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 211.955 | New |
| 211.960 | New |
| 211.1120 | New |
| 211.3483 | New |
| 211.3485 | New |
| 211.3487 | New |
| 211.3780 | New |
| 211.5015 | New |
| 211.5020 | New |
- 4) Statutory Authority: 415 ILCS 5/27 and 28.5
- 5) Effective Date of Amendments: March 15, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 24 Ill. Reg. 13563, September 8, 2000.

- 10) Has JCAB issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: JCAB suggested several nonsubstantive typographical and grammatical changes which the Board included in the final version.
- 12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreements letter issued by JCAB? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|---------------------------------------|
| 211.4067 | New Section | 24 Ill. Reg. 16452, November 13, 2000 |
| 211.6130 | Amendment | 24 Ill. Reg. 16452, November 13, 2000 |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking is explained in more detail in the Board's opinion and order of March 1, 2001, R01-11, available from the address in item 16 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency under the fast-track rulemaking provision of Section 28.5 of the Environmental Protection Act. These proposed additions to 35 Ill. Adm. Code 211 are new definitions that will be used in the proposed amendments to regulate emissions of nitrogen oxides from large cement kilns at 35 Ill. Adm. Code 217, Subpart T "Cement Kilns" (which also appear in today's *Illinois Register*).
- 16) Information and questions regarding these adopted amendments shall be directed to:

| |
|--------------------------|
| Joel Sternstein |
| Pollution Control Board |
| 100 W. Randolph Street |
| James R. Thompson Center |
| Suite 11-500 |
| Chicago, Illinois 60601 |
| (312) 814-3665 |

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R01-11. The Board order is also available from the Board's Web site (www.ipcbb.state.il.us)

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section
211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.479 Allowance
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.550 As Applied
211.560 As-Applied Fountain Solution

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.570 Asphalt Prime Coat
211.590 Automobile
211.610 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.630 Automobile or Light-Duty Truck Refinishing
211.650 Automotive/Transportation Plastic Parts
211.660 Baked Coatings
211.670 Bakery Oven
211.680 Basecoat/Clearcoat System
211.690 Batch Loading
211.695 Batch Operation
211.696 Batch Process Train
211.710 Bead-Dipping
211.730 Binders
211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant
211.810 Bulk Gasoline Terminal
211.820 Business Machine Plastic Parts
211.830 Can Coating
211.850 Can Coating Line
211.870 Capture Device
211.890 Capture Efficiency
211.910 Capture System
211.930 Cement
211.955 Certified Investigation
211.960 Chemical Manufacturing Process Unit
211.970 Clean Air Act
211.980 Choke Loading
211.990 Cleaning and Separating Operation
211.1010 Cleaning Materials
211.1050 Clear Coating
211.1070 Clear Topcoat
211.1090 Clinker
211.1100 Closed Purge System
211.1120 Closed Vent System
211.1130 Coal Refuse
211.1150 Coal Refuse
211.1170 Coating
211.1190 Coating Applicator
211.1210 Coating Line
211.1230 Coating Plant
211.1250 Coil Coating
211.1270 Cold Cleaning
211.1290 Cold Cleaning
211.1310

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 211.1312 | Combined Cycle System |
| 211.1316 | Combustion Turbine |
| 211.1320 | Commence Commercial Operation |
| 211.1324 | Commence Operation |
| 211.1328 | Common Stack |
| 211.1330 | Complete Combustion |
| 211.1350 | Component |
| 211.1370 | Concrete Curing Compounds |
| 211.1390 | Concentrated Nitric Acid Manufacturing Process |
| 211.1410 | Condensate |
| 211.1430 | Condensable PW-10 |
| 211.1465 | Continuous Automatic Stoking |
| 211.1467 | Continuous Coater |
| 211.1470 | Continuous Process |
| 211.1490 | Control Device |
| 211.1510 | Control Device Efficiency |
| 211.1515 | Control Period |
| 211.1520 | Conventional Air Spray |
| 211.1530 | Conventional Soybean Crushing Source |
| 211.1550 | ConveyORIZED Degreasing |
| 211.1570 | Crude Oil |
| 211.1570 | Crude Oil Gathering |
| 211.1590 | Crushing |
| 211.1610 | Custody Transfer |
| 211.1630 | Cutback Asphalt |
| 211.1650 | Daily-Weighted Average VOM Content |
| 211.1670 | Day |
| 211.1690 | Degreaser |
| 211.1710 | Delivery Vessel |
| 211.1730 | Dip Coating |
| 211.1750 | Distillate Fuel Oil |
| 211.1770 | Distillation Unit |
| 211.1780 | Drum |
| 211.1790 | Dry Cleaning Operation or Dry Cleaning Facility |
| 211.1810 | Dump-Pit Area |
| 211.1830 | Effective Grate Area |
| 211.1850 | Effluent Water Separator |
| 211.1870 | Elastomeric Materials |
| 211.1875 | Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) |
| 211.1880 | Shielding Coatings |
| 211.1885 | Electronic Component |
| 211.1890 | Electrostatic Bell or Disc Spray |
| 211.1900 | Electrostatic Prep Coat |
| 211.1910 | Emergency or Standby Unit |
| 211.1920 | Emission Rate |
| 211.1930 | Emission Unit |
| 211.1950 | Emission Unit |
| 211.1970 | Ename1 |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.1990 | Enclose |
| 211.2010 | End Sealing Compound Coat |
| 211.2030 | Enhanced Under-the-Cup Fill |
| 211.2050 | Ethanol Blend Gasoline |
| 211.2070 | Excess Air |
| 211.2080 | Excess Emissions |
| 211.2090 | Excessive Release |
| 211.2110 | Existing Grain-Drying Operation (Repealed) |
| 211.2130 | Existing Grain-Handling Operation (Repealed) |
| 211.2150 | Exterior Base Coat |
| 211.2170 | Exterior End Coat |
| 211.2190 | External Floating Roof |
| 211.2210 | Extreme Performance Coating |
| 211.2230 | Fabric Coating |
| 211.2250 | Fabric Coating Line |
| 211.2270 | Federally Enforceable Limitations and Conditions |
| 211.2285 | Feed Mill |
| 211.2290 | Fermentation Time |
| 211.2300 | Fill |
| 211.2310 | Final Repair Coat |
| 211.2330 | Firebox |
| 211.2350 | Fixed-Roof Tank |
| 211.2360 | Flexible Coating |
| 211.2365 | Flexible Operation Operating Unit |
| 211.2370 | Flexographic Printing |
| 211.2390 | Flexographic Printing Line |
| 211.2410 | Floating Roof |
| 211.2420 | Fossil Fuel |
| 211.2425 | Fossil Fuel-Fired |
| 211.2430 | Fountain Solution |
| 211.2450 | Freeboard Height |
| 211.2470 | Fuel Combustion Emission Unit or Fuel Combustion Emission Source |
| 211.2490 | Fugitive Particulate Matter |
| 211.2510 | Full Operating Flourate |
| 211.2530 | Gas Service |
| 211.2550 | Gas/Gas Method |
| 211.2570 | Gasoline |
| 211.2590 | Gasoline Dispensing Operation or Gasoline Dispensing Facility |
| 211.2610 | Gel Coat |
| 211.2620 | Generator |
| 211.2630 | Gloss Reducers |
| 211.2650 | Grain |
| 211.2670 | Grain-Drying Operation |
| 211.2690 | Grain-Handling and Conditioning Operation |
| 211.2710 | Grain-Handling Operation |
| 211.2730 | Green-Tire Spraying |
| 211.2750 | Green Tires |
| 211.2770 | Gross Heating Value |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 211.2790 | Gross Vehicle Weight Rating |
| 211.2810 | Heated Airless Spray |
| 211.2815 | Heat Input |
| 211.2820 | Heat Input Rate |
| 211.2830 | Heatset Web Offset Lithographic Printing Line |
| 211.2850 | Heavy Liquid |
| 211.2870 | Heavy Metals |
| 211.2890 | Heavy Off-Highway Vehicle Products |
| 211.2910 | Heavy Off-Highway Vehicle Products Coating |
| 211.2930 | Heavy Off-Highway Vehicle Products Coating Line |
| 211.2950 | High Temperature Aluminum Coating |
| 211.2970 | High Volume Low Pressure (HVLP) Spray |
| 211.2990 | Hood |
| 211.3010 | Hot Well |
| 211.3030 | Housekeeping Practices |
| 211.3050 | Incinerator |
| 211.3070 | Indirect Heat Transfer |
| 211.3090 | Ink |
| 211.3110 | In-Process Tank |
| 211.3130 | In-Situ Sampling Systems |
| 211.3150 | Interior Body Spray Coat |
| 211.3170 | Internal-Floating Roof |
| 211.3190 | Internal Transferring Area |
| 211.3210 | Lacquers |
| 211.3230 | Large Appliance |
| 211.3250 | Large Appliance Coating |
| 211.3270 | Large Appliance Coating Line |
| 211.3290 | Light Liquid |
| 211.3310 | Light-Duty Truck |
| 211.3330 | Light Oil |
| 211.3350 | Liquid/Gas Method |
| 211.3370 | Liquid-Mounted Seal |
| 211.3390 | Liquid Service |
| 211.3410 | Liquids Dripping |
| 211.3430 | Lithographic Printing Line |
| 211.3450 | Load-Out Area |
| 211.3470 | Loading Event |
| 211.3480 | Long Dry Kiln |
| 211.3483 | Long Wet Kiln |
| 211.3485 | Low-NOx Burner |
| 211.3487 | Low Solvent Coating |
| 211.3490 | Lubricating Oil |
| 211.3500 | Magnet Wire |
| 211.3510 | Magnet Wire Coating |
| 211.3530 | Magnet Wire Coating Line |
| 211.3550 | Major Dump Pit |
| 211.3570 | Major Metropolitan Area (MMA) |
| 211.3590 | |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.3610 | Major Population Area (MPA) |
| 211.3620 | Manually Operated Equipment |
| 211.3630 | Manufacturing Process |
| 211.3650 | Marine Terminal |
| 211.3660 | Marine Vessel |
| 211.3670 | Material Recovery Section |
| 211.3690 | Maximum Theoretical Emissions |
| 211.3695 | Maximum True Vapor Pressure |
| 211.3710 | Metal Furniture Coating |
| 211.3730 | Metal Furniture Coating Line |
| 211.3750 | Metallic Shoe-Type Seal |
| 211.3770 | Mid-Kiln Firing |
| 211.3780 | Miscellaneous Fabricated Product Manufacturing Process |
| 211.3790 | Miscellaneous Formulation Manufacturing Process |
| 211.3810 | Miscellaneous Metal Parts and Products |
| 211.3830 | Miscellaneous Metal Parts and Products Coating |
| 211.3850 | Miscellaneous Metal Parts or Products Coating Line |
| 211.3870 | Miscellaneous Organic Chemical Manufacturing Process |
| 211.3890 | Mixing Operation |
| 211.3910 | Mobile Equipment |
| 211.3915 | Monitor |
| 211.3930 | Monomer |
| 211.3950 | Motor Vehicles |
| 211.3960 | Motor Vehicle Refinishing |
| 211.3965 | Multiple Package Coating |
| 211.3970 | Nameplate Capacity |
| 211.3980 | New Grain-Drying Operation (Repealed) |
| 211.3990 | New Grain-Handling Operation (Repealed) |
| 211.4010 | No Detectable Volatile Organic Material Emissions |
| 211.4030 | Non-Contact Process Water Cooling Tower |
| 211.4050 | Non-Flexible Coating |
| 211.4055 | Non-Heatset |
| 211.4065 | Offset |
| 211.4070 | One Hundred Percent Acid |
| 211.4110 | One-Turn Storage Space |
| 211.4130 | Opacity |
| 211.4150 | Opaque Stains |
| 211.4170 | Open Top Vapor Degreasing |
| 211.4190 | Open-Ended Valve |
| 211.4210 | Operator of a Gasoline Dispensing Facility |
| 211.4230 | Organic Compound |
| 211.4250 | Organic Material and Organic Materials |
| 211.4260 | Organic Solvent |
| 211.4270 | Organic Vapor |
| 211.4290 | Oven |
| 211.4310 | Overall Control |

Operator of a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 211.4330 | Overvornish |
| 211.4330 | Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility |
| 211.4370 | Owner or Operator |
| 211.4390 | Packaging Rotogravure Printing |
| 211.4410 | Packaging Rotogravure Printing Line |
| 211.4430 | Pail |
| 211.4430 | Paint Manufacturing Source or Paint Manufacturing Plant |
| 211.4430 | Paper Coating |
| 211.4470 | Paper Coating Line |
| 211.4490 | Particulate Matter |
| 211.4510 | Parts Per Million (Volume) or PPM (Vol) |
| 211.4530 | Person |
| 211.4550 | Petroleum |
| 211.4590 | Petroleum Liquid |
| 211.4610 | Petroleum Refinery |
| 211.4630 | Pharmaceutical |
| 211.4650 | Pharmaceutical Coating Operation |
| 211.4670 | Photochemically Reactive Material |
| 211.4690 | Pigmented Coatings |
| 211.4710 | Plant |
| 211.4730 | Plastic Part |
| 211.4740 | Plasticizers |
| 211.4750 | PM-10 |
| 211.4770 | Pneumatic Rubber Tire Manufacture |
| 211.4790 | Polybasic Organic Acid Partial Oxidation Manufacturing Process |
| 211.4810 | Polyester Resin Material(s) |
| 211.4830 | Polyester Resin Products Manufacturing Process |
| 211.4850 | Polyethylene Plant |
| 211.4870 | Polyethylene Resin |
| 211.4890 | Portable Grain-Handling Equipment |
| 211.4910 | Portland Cement Manufacturing Process Emission Source |
| 211.4930 | Portland Cement Process or Portland Cement Manufacturing Plant |
| 211.4950 | Potential Electrical Output Capacity |
| 211.4960 | Potential to Emit |
| 211.4970 | Power Driven Fastener Coating |
| 211.4990 | Precoat |
| 211.5010 | Preheater Kiln |
| 211.5013 | Preheater/Precalciner Kiln |
| 211.5020 | Pressure Release |
| 211.5030 | Pressure Tank |
| 211.5050 | Pressure/Vacuum Relief Valve |
| 211.5060 | Pretreatment Wash Primer |
| 211.5061 | Primary Product |
| 211.5065 | Prime Coat |
| 211.5070 | Prime Sealer |
| 211.5080 | Primer Surfacer Coat |
| 211.5090 | Primer Surfacer Operation |
| 211.5110 | |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.5130 | Primers |
| 211.5150 | Printing |
| 211.5170 | Printing Line |
| 211.5185 | Process Emission Source |
| 211.5190 | Process Emission Unit |
| 211.5210 | Process Unit |
| 211.5210 | Process Unit Shutdown |
| 211.5230 | Process Vent |
| 211.5245 | Process Weight Rate |
| 211.5250 | Production Equipment Exhaust System |
| 211.5270 | Publication Rotogravure Printing Line |
| 211.5310 | Purged Process Fluid |
| 211.5330 | Rated Heat Input Capacity |
| 211.5340 | Reactor |
| 211.5350 | Reasonably Available Control Technology (RACT) |
| 211.5370 | Reclamation System |
| 211.5390 | Refiner |
| 211.5410 | Refinery Fuel Gas |
| 211.5430 | Refinery Fuel Gas System |
| 211.5450 | Refinery Unit or Refinery Process Unit |
| 211.5470 | Reflective Argent Coating |
| 211.5480 | Refrigerated Condenser |
| 211.5490 | Regulated Air Pollutant |
| 211.5500 | Reid Vapor Pressure |
| 211.5510 | Repair |
| 211.5530 | Repair Coat |
| 211.5550 | Repaired |
| 211.5570 | Repowering |
| 211.5580 | Residual Fuel Oil |
| 211.5590 | Resist Coat |
| 211.5600 | Restricted Area |
| 211.5610 | Retail Outlet |
| 211.5630 | Ringelmann Chart |
| 211.5650 | Roadway |
| 211.5670 | Roll Coater |
| 211.5690 | Roll Coating |
| 211.5710 | Roll Printer |
| 211.5730 | Roll Printing |
| 211.5750 | Rotogravure Printing Line |
| 211.5770 | Rotogravure Printing Line |
| 211.5790 | Safety Relief Valve |
| 211.5810 | Sanding |
| 211.5830 | Sanding Sealers |
| 211.5850 | Screening |
| 211.5870 | Sealer |
| 211.5890 | Semi-Transparent Stains |
| 211.5910 | Sensor |
| 211.5930 | Set of Safety Relief Valves |
| 211.5950 | |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 211.5970 | Sheet Basecoat |
| 211.5980 | Sheet-Fed |
| 211.5990 | Shotblasting |
| 211.6010 | Side-Seam Spray Coat |
| 211.6025 | Single Unit Operation |
| 211.6030 | Smoke |
| 211.6050 | Smokeless Flare |
| 211.6060 | Soft Coat |
| 211.6070 | Solvent |
| 211.6090 | Solvent Cleaning |
| 211.6110 | Solvent Recovery System |
| 211.6130 | Source |
| 211.6140 | Specialty Coatings |
| 211.6145 | Specialty Coatings for Motor Vehicles |
| 211.6150 | Specialty High Gloss Catalyzed Coating |
| 211.6170 | Specialty Leather |
| 211.6190 | Specialty Soybean Crushing Source |
| 211.6210 | Slash Loading |
| 211.6230 | Stack |
| 211.6250 | Stain Coating |
| 211.6270 | Standard Conditions |
| 211.6290 | Standard Cubic Foot (scf) |
| 211.6310 | Start-Up |
| 211.6330 | Stationary Emission Source |
| 211.6350 | Stationary Gas Turbine |
| 211.6360 | Stationary Reciprocating Internal Combustion Engine |
| 211.6380 | Stationary Source |
| 211.6390 | Stationary Storage Tank |
| 211.6400 | Stencil Coat |
| 211.6410 | Storage Tank or Storage Vessel |
| 211.6420 | Strippable Spray Booth Coating |
| 211.6430 | Styrene Devolatilizer Unit |
| 211.6450 | Styrene Recovery Unit |
| 211.6470 | Submerged Loading Pipe |
| 211.6490 | Substrate |
| 211.6510 | Sulfuric Acid Mist |
| 211.6530 | Surface Condenser |
| 211.6540 | Surface Preparation Materials |
| 211.6550 | Synthetic Organic Chemical or Polymer Manufacturing Plant |
| 211.6570 | Tablet Coating Operation |
| 211.6580 | Texture Coat |
| 211.6590 | Thirty-Day Rolling Average |
| 211.6610 | Three-Piece Can |
| 211.6620 | Three or Four Stage Coating System |
| 211.6630 | Through-the-Valve Fill |
| 211.6650 | Tooling Resin |
| 211.6670 | Topcoat |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.6690 | Topcoat Operation |
| 211.6695 | Topcoat System |
| 211.6710 | Touch-Up |
| 211.6720 | Touch-Up Coating |
| 211.6730 | Transfer Efficiency |
| 211.6750 | Tread End Cementing |
| 211.6770 | True Vapor Pressure |
| 211.6790 | Turnaround |
| 211.6810 | Two-Piece Can |
| 211.6830 | Under-the-Cup Fill |
| 211.6850 | Undertread Cementing |
| 211.6860 | Uniform Finish Blender |
| 211.6870 | Unregulated Safety Relief Valve |
| 211.6880 | Vacuum Metallizing |
| 211.6890 | Vacuum Producing System |
| 211.6910 | Vacuum Service |
| 211.6930 | Valves Not Externally Regulated |
| 211.6950 | Vapor Balance System |
| 211.6970 | Vapor Collection System |
| 211.6990 | Vapor Control System |
| 211.7010 | Vapor-Mounted Primary Seal |
| 211.7030 | Vapor Recovery System |
| 211.7050 | Vapor-Suppressed Polyester Resin |
| 211.7070 | Vinyl Coating |
| 211.7090 | Vinyl Coating Line |
| 211.7110 | Volatile Organic Liquid (VOL) |
| 211.7130 | Volatile Organic Material Content (VOMC) |
| 211.7150 | Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) |
| 211.7170 | Volatile Petroleum Liquid |
| 211.7190 | Wash Coat |
| 211.7200 | Washoff Operations |
| 211.7210 | Wastewater (Oil/Water) Separator |
| 211.7230 | Weak Nitric Acid Manufacturing Process |
| 211.7250 | Web |
| 211.7270 | Wholesale Purchase - Consumer |
| 211.7290 | Wood Furniture |
| 211.7310 | Wood Furniture Coating |
| 211.7330 | Wood Furniture Coating Line |
| 211.7350 | Woodworking |
| 211.7400 | Yeast Percentage |

APPENDIX A Rule into Section Table
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, P. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, P. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 6, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R86-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 9141, effective May 23, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582 effective March 13, 1991.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART B: DEFINITIONS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.955 Cement

"Cement" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a hydraulic cement produced by pulverizing clinker consisting primarily of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.

(Source: Added at 25 Ill. Reg. 4582 effective March 13, 1991)

Section 211.960 Cement Kiln

"Cement kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a system including any solid, gaseous or liquid fuel combustion equipment, used to preheat, calcine and react with raw materials, including limestone and clay, to produce cement clinker.

(Source: Added at 25 Ill. Reg. 4582 effective March 13, 1991)

Section 211.1120 Clinker

"Clinker" means the product of a cement kiln from which finished cement is manufactured by milling and grinding.

(Source: Added at 25 Ill. Reg. 4582 effective March 13, 1991)

Section 211.3483 Long Dry Kiln

"Long dry kiln" means a kiln 14 feet or larger in outside diameter, 400 feet or larger in length, which employs no preheating of the feed in the cyclone chambers, and the inlet feed to the kiln is dry.

(Source: Added at 25 Ill. Reg. 4582 effective March 13, 1991)

Section 211.3485 Long Wet Kiln

"Long wet kiln" means a kiln 14 feet or larger in outside diameter, 400 feet or greater in length, which employs no preheating of the feed in the cyclone chambers, and the inlet feed to the kiln is a slurry.

(Source: Added at 25 Ill. Reg. 4582 effective March 13, 1991)

Section 211.3487 Low-NO(x) Burner

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Low-NO(x) burner" means, for the purpose of 35 Ill. Adm. Code 217, Subpart T, a type of cement kiln burner system designed to lower NO(x) formation by controlling flame turbulence, delaying fuel/air mixing and establishing fuel-rich zones for initial combustng, which for firing of solid fuel by a kiln's main burner includes an indirect firing system or comparable technique for the main burner to lower the amount of primary combustion air supplied with the pulverized fuel. In an indirect firing system, one air stream is used to convey pulverized fuel from the grinding equipment and another air stream is used to supply primary combustion air to the kiln burner with the pulverized fuel, with intermediate storage of the fuel. In contrast, in a direct firing system, the air stream used to convey pulverized coal is then directly used as primary combustion air without any intermediate storage of fuel, resulting in more primary combustion air than with an indirect system.

(Source: Added at 25 Ill. Reg. 4582, effective 4582, 4582)

Section 211.3780 Mid-Kiln Firing

"Mid-kiln firing" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a secondary firing in a kiln system by injecting fuel at an intermediate point in the kiln system using a specially designed fuel injection mechanism for the purposes of decreasing NO(x) emissions through burning part of the fuel at a lower temperature, and reducing conditions at the fuel injection point that may destroy some of the NO(x) formed upstream in the kiln system.

(Source: Added at 25 Ill. Reg. 4582, effective 4582, 4582)

Section 211.5015 Preheater Kiln

"Preheater kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a kiln where the feed to the kiln is preheated in cyclone chambers prior to the final reactions in a kiln which forms clinker.

(Source: Added at 25 Ill. Reg. 4582, effective 4582, 4582)

Section 211.5020 Preheater/Precalciner Kiln

"Preheater/precalciner kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a kiln where the feed to the kiln is preheated in cyclone chambers and utilizes a second burner to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln which forms clinker.

(Source: Added at 25 Ill. Reg. 4582, effective 4582, 4582)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) Section Numbers: Adopted Action:
 217.104 Amend
 217.400 New
 217.402 New
 217.404 New
 217.406 New
 217.408 New
 217.410 New
- 4) Statutory Authority: 415 ILCS 5/27 and 28.5
- 5) Effective Date of Amendments: March 15, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes; See Section 217.104.
- 8) All incorporations are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 9) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: September 8, 2000 24 Ill. Reg. 13579
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: JCAR suggested several nonsubstantive typographical and grammatical changes which the Board included in the final version. In addition, changes were made to conform with the Secretary of State codification scheme.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.450 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.452 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.454 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.456 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.458 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.460 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.462 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.464 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.466 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.468 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.470 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.472 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.474 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.476 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.478 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.480 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.482 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.700 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.702 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.704 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.706 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.708 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.710 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.712 New Section 24 Ill. Reg. 16200, November 3, 2000
 217.714 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.805 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.810 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.815 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.820 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.825 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.830 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.835 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.840 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.845 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.850 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.855 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.860 New Section 24 Ill. Reg. 16467, November 13, 2000
 217.865 New Section 24 Ill. Reg. 16467, November 13, 2000

15) Summary and Purpose of Amendments: A complete description of this Section 28.5 fast-track rulemaking is included in the Board's March 1, 2001 opinion and order in docket R01-11, which is available from the address below. These rules are adopted to control the emissions of nitrogen oxides (NOx) from large cement kilns during the period May 31 through September 30, 2004, and then from May 1 to September 30 of subsequent years. The proposed amendments are intended to meet the State of Illinois' obligation under the Clean Air Act, 42 USC 7401 et seq. (CAA) to submit a State Implementation Plan (SIP) that addresses the requirements of the so-called

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOx SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998), by obtaining a 30 percent decrease from uncontrolled levels for the large, non-trading sources included in the NOx SIP Call's budget calculation. Included in this rulemaking are new 35 Ill. Adm. Code 217 Subpart 7 and other conforming amendments to Part 217 as well as amendments to definitions and other general provisions in Part 211 (which also appear in today's *Illinois Register*).

16) Information and questions regarding these adopted amendments shall be directed to:

Joel Sternstein
 100 W. Randolph Street
 James R. Thompson Center
 Suite 11-500
 Chicago, Illinois 60601
 (312) 814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to docket number R01-11 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 217

NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

| | |
|---------|-----------------------------|
| Section | |
| 217.100 | Scope and Organization |
| 217.101 | Measurement Methods |
| 217.102 | Abbreviations and Units |
| 217.103 | Definitions |
| 217.104 | Incorporations by Reference |

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

| | |
|---------|----------------------|
| Section | |
| 217.121 | New Emission Sources |

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

| | |
|---------|---|
| Section | |
| 217.141 | Existing Emission Sources in Major Metropolitan Areas |

SUBPART K: PROCESS EMISSION SOURCES

| | |
|---------|----------------------|
| Section | |
| 217.301 | Industrial Processes |

SUBPART O: CHEMICAL MANUFACTURE

| | |
|---------|-------------------------------------|
| Section | |
| 217.381 | Nitric Acid Manufacturing Processes |

SUBPART T: CEMENT KILNS

| | |
|---------|----------------------|
| Section | |
| 217.400 | Applicability |
| 217.402 | Control Requirements |
| 217.404 | Testing |
| 217.406 | Monitoring |
| 217.408 | Reporting |
| 217.410 | Recordkeeping |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART V: ELECTRIC POWER GENERATION

| | |
|---------|---------------------------|
| Section | |
| 217.321 | Lake of Egypt Power Plant |

SUBPART W: NO[x] TRADING PROGRAM FOR ELECTRICAL
GENERATING UNITS

| | |
|---------|---|
| Section | |
| 217.750 | Purpose |
| 217.752 | Severability |
| 217.754 | Applicability |
| 217.756 | Compliance Requirements |
| 217.758 | Permitting Requirements |
| 217.760 | NO[x] Trading Budget |
| 217.762 | Methodology for Calculating NO[x] Allocations for Budget Electrical Generating Units ("EGUs") |

| | |
|---------|--|
| 217.764 | NO[x] Allocations for Budget EGUs |
| 217.768 | New Source Set-Asides for "New" Budget EGUs |
| 217.770 | Early Reduction Credits for Budget EGUs |
| 217.774 | Opt-In Units |
| 217.776 | Opt-In Process |
| 217.778 | Budget Opt-In Units: Withdrawal from NO[x] Trading Program |
| 217.780 | Opt-In Units: Change in Regulatory Status |
| 217.782 | Allowance Allocations to Budget Opt-In Units |

| | |
|------------|--|
| APPENDIX A | Rule into Section Table |
| APPENDIX B | Section into Rule Table |
| APPENDIX C | Compliance Dates |
| APPENDIX D | Non-Electrical Generating Units |
| APPENDIX E | Allowances for Electrical Generating Units |

AUTHORITY: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 459, effective 1/1.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) The phenol disulfonic acid method, as published in 40 CFR 60, Appendix A, Method 7 (1999);
- b) 40 CFR 96, subparts B, D, G and H (1999);
- c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) & (b), 96.56 and 96.57 (1999); and
- d) 40 CFR 72, 75 & 76 (1999);
- e) Alternative Control Techniques Document---- NO(x) Emissions from Cement Manufacturing, EPA-43/R94-004, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, March 1994;
- f) Section II.6, Portland Cement Manufacturing, AP-42 Compilation of Air Emission Factors, Volume 1: Stationary Point Area Sources, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, revised January 1995;
- g) 40 CFR 60.13 (1999); and
- h) 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, and 7E (1999).

(Source: Amended at 25 Ill. Reg. 45 9 7; effective 4/5/10)

SUBPART T: CEMENT KILNS

Section 217.400 Applicability

The requirements of this Subpart shall apply to the types of cement kilns listed below with process rates in tons per hour (TPH) of clinker produced that are greater than or equal to the following:

- a) Long dry kilns -- 12 TPH;
- b) Long wet kilns -- 10 TPH;
- c) Preheater kilns -- 16 TPH; and
- d) Preheater/precalciner kilns -- 22 TPH.

(Source: Added at 25 Ill. Reg. 45 9 7; effective 4/5/10)

Section 217.402 Control Requirements

- a) After May 30, 2004, an owner or operator of any cement kiln subject to the requirements of this Subpart shall not operate the kiln during the initial control period or any subsequent control period, unless the owner or operator complies with subsection (a)(1), (a)(2), (a)(3), (a)(5) or (a)(6) of this Section for kilns that commenced operation prior to January 1, 1996, or subsection (a)(4) or (a)(6) of this Section for kilns that commenced operation on or after January 1,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1996.

- 1) The kiln is operated with a low-NO(x) burner or a mid-kiln firing system;
- 2) The kiln shall not exceed the applicable NO(x) emission limitation in pounds per ton of clinker (lb/TV), expressed in the rates listed below:
 - A) Long dry kilns -- 5.1 lb NO(x)/T of clinker;
 - B) Long wet kilns -- 6.0 lb NO(x)/T of clinker;
 - C) Preheater kilns -- 3.8 lb NO(x)/T of clinker; or
 - D) Preheater/precalciner kilns -- 2.8 lb NO(x)/T of clinker.
- 3) The kiln achieves a 30-percent or greater reduction from its uncontrolled baseline, established as set forth in this subsection (a)(3), and complies with the following:
 - A) Uncontrolled baseline emissions shall be determined using the following equation:

$$UBE = \frac{[EF \times SPR]}{2000 \text{ lbs NO(x)/T}}$$

Where:

UBE = Uncontrolled Baseline NO(x) emissions expressed in tons of NO(x) per control period;

EF = Emissions factor, expressed in lbs of NO(x) per ton of clinker produced per control period, based on one of the methods in subsection (a)(3)(B) of this Section; and

SPR = Seasonal production rate, expressed in tons of clinker produced per control period, using the average of the two highest control period operating rates from the previous three-year period at the time the application for the permit with federally enforceable conditions is submitted to the Agency pursuant to subsection (a)(3)(C) of this Section.

- B) Emissions factors shall be determined using one of the following methods:
 - i) The average of the emission factors for the type of kiln from the Compilation of Air Pollutant Emission Factors (AP-42) and the Alternative Control Techniques document -- NO(x) Emissions from Cement Manufacturing, as incorporated by reference in Section 217.104 of this Part;
 - ii) The site-specific emission factor developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 217.104 of this Part, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to approval by the Agency, and must certify that the emissions testing is being conducted under representative conditions; or

iii) An alternate method for establishing the emissions factors, when submitted with supporting data to substantiate such emissions factors and approved by the Agency as set forth in subsection (a)(3)(C) of this Section.

C) The owner or operator must submit an emission reduction plan to the Agency and obtain approval of that plan by the Agency. Such plan shall be effective only when contained as federally enforceable conditions in a permit. Such plan shall include any alternate procedures for monitoring, testing, reporting, or recordkeeping approved by the Agency, or other provisions as appropriate.

4) Any kiln subject to this Subpart that commenced operation on or after January 1, 1996, must meet the more stringent of the requirements of this Subpart or other CAA requirements, or rules promulgated thereunder, applicable to kilns. If a kiln is required to comply with a more stringent requirement pursuant to the CAA, and chooses to do so in lieu of complying with this Subpart, the owner or operator must submit an emissions reduction plan that demonstrates that compliance with the CAA requirement results in emissions reductions that are equal to or exceed the requirements of this Section, and obtain a permit containing federally enforceable conditions addressing such CAA requirement. The owner or operator obtains an alternate emissions standard for operating the kiln pursuant to Section 2B.1 of the Act [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code 104, Subpart D, provisions for adjusted standards. An adjusted standard or alternate emissions standard with an alternate compliance schedule shall be granted by the Board to the extent consistent with federal law. Such alternate shall be effective only when included as a federally enforceable condition in a permit approved by USEPA or approved as a SIP revision. The adjusted standard shall include any alternate procedures for control, compliance, monitoring, operation, testing, reporting, or recordkeeping that are appropriate. In addition, the owner or operator must demonstrate, as justification for the adjusted standard, that the control requirements contained in this Subpart, as they apply to cement kilns, meet one or more of the following criteria:

- A) Unreasonable cost of control resulting from plant, age, location or basic process design;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Physical impossibility of installing necessary control equipment; or
 - C) Other factors specific to the cement kiln that support an alternate emissions standard.
- 6) The owner or operator obtains approval by the Agency and USEPA to allow the kiln to participate in the federal NO_x Trading Program. Such participation will be effective upon issuance of a permit containing all necessary federally enforceable permit conditions addressing the kiln's participation in the federal NO_x Trading Program pursuant to 40 CFR 96 and the Illinois NO_x Trading Program regulations at 35 Ill. Adm. Code 217. The owner or operator is not subject to the requirements of this Subpart for the duration of its participation in the NO_x Trading Program, except for the requirement to submit the initial compliance report pursuant to Section 217.408(a) of this Subpart. Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO_x SIP Call [63 Fed. Reg. 57,355 (October 27, 1998)] that are located in Region V or that are contiguous to Illinois have adopted regulations to implement NO_x Trading Programs and other required reductions of NO_x emissions pursuant to the NO_x SIP call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective for such other states. [415 ILCS 5/9.9(f)]

(Source: Added at 25 Ill. Reg. 4597 --, effective _____)

Section 217.404 Testing

- a) Any owner or operator of a kiln that commenced operation prior to May 1, 2003, and using a low-NO_x burner or mid-kiln firing system to demonstrate compliance pursuant to Section 217.402(a)(1) of this Subpart must maintain and operate the device according to the manufacturer's specifications as approved by the Agency.
- b) Any owner or operator of a kiln that commenced operation prior to May 1, 2003, and demonstrating compliance pursuant to Section 217.402(a)(2), (a)(3)(C), or (a)(5) of this Subpart must complete an initial performance test between May 1, 2003, and May 30, 2004, and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the requirements of 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, or such alternate test method that has been approved by the Agency pursuant to Section 217.402(a)(3)(C) of this Subpart or the Board pursuant to Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.402(a)(5) of this Subpart.

- c) The owner or operator of a kiln that commences operation on or after May 1, 2003, must complete, as appropriate, an initial performance test within one year after initial startup and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the test methods listed in subsection (b) of this Section.

(Source: Added at 25 Ill. Reg. 459, effective _____)

Section 217.406. Monitoring

- a) The owner or operator of a kiln subject to this Subpart must submit a complete monitoring plan addressing the applicable requirements of subsection (b) of this Section to the Agency and obtain approval of such plan by the Agency. The monitoring plan shall identify the operating conditions to be monitored and the records to be maintained under Section 217.410 of this Subpart. For any kiln that commences operation on or before August 31, 2003, such plan shall be submitted on or before August 31, 2003. For any other kiln subject to this Subpart, such plan shall be submitted with the construction permit application for such kiln. Such plan will be effective only when included as federally enforceable conditions in a permit issued by the Agency.

b) The plan must:

- 1) identify the specific operating conditions to be monitored and the correlation between the operating conditions and NO(x) emission rates;
- 2) include the data and information that the owner or operator used to identify the correlation between NO(x) emission rates and these operating conditions;
- 3) identify how the owner or operator will monitor these operating conditions on an hourly or other basis, as approved by the Agency, the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate, and the type and format of the records of these operating conditions that will be maintained by the owner or operator under Section 217.410 of this Subpart;
- 4) if operating a low-NO(x) burner or mid-kiln firing system, the plan must include only monitoring the parameters indicated in the manufacturer's specifications and recommendations for the low-NO(x) burner or mid-kiln firing system as approved by the Agency; and
- 5) notwithstanding the requirements of subsections (b)(1) and (b)(2) of this Section requiring the monitoring of operating parameters, if the owner or operator elects to monitor NO(x) emissions using

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a continuous emissions monitoring system (CEMS), the owner or operator must submit a monitoring plan subject to approval by the Agency that contains the applicable provisions of 40 CFR 60.13 and of Method 7E in Appendix A contained in 40 CFR 60, as incorporated by reference in Section 217.104 of this Part, and additional provisions regarding accuracy, data capture, and monitoring frequency.

- c) The owner or operator must monitor the operating parameters of the emission unit and predict NO(x) emission rates in accordance with the plan specified in the applicable operating permit.

(Source: Added at 25 Ill. Reg. 459, effective _____)

Section 217.408 Reporting

- a) By May 31, 2004, or within one year after initial startup, whichever occurs later, the owner or operator of a kiln subject to the requirements of this Subpart must submit to the Agency an initial compliance certification for each kiln subject to the requirements of Section 217.402 of this Subpart. This certification must contain the following information as applicable:

- 1) The identity and type of each kiln subject to this Subpart, the name and address of the plant where the kiln is located, and the name and telephone number of the person responsible for demonstrating compliance with this Subpart;
 - 2) A demonstration that each kiln is in compliance with Section 217.402 of this Subpart, identifying the provision with which it is complying and accompanied by a summary of the approved compliance method, e.g., performance test for the kiln and other supporting data being relied upon by the owner or operator;
 - 3) If demonstrating compliance by use of a low-NO(x) burner or mid-kiln firing system pursuant to Section 217.402(a)(1) of this Subpart, a copy of the manufacturer's recommended maintenance and schedule for maintenance as approved by the Agency;
 - 4) If demonstrating compliance pursuant to Section 217.402(a)(3)(C) or (a)(5) of this Subpart, the date on which the permit containing the emission reduction plan or SIP revision was received as federally enforceable conditions; and
 - 5) If demonstrating compliance pursuant to Section 217.402(a)(6) of this Subpart, the date of issuance and the identification of the permit authorizing, through federally enforceable conditions, participation in the federal NO(x) Trading Program.
- b) Beginning in 2004, by December 31 of each year, owners and operators complying with this Subpart pursuant to Section 217.402(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) must, as a seasonal component of its annual emission report pursuant to 35 Ill. Adm. Code 239, report the total NO(x) emissions of each subject kiln during the control period of each

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

year to the Agency, if the kiln operated during this period.

(Source: Added at 25 Ill. Reg. 4597-2, effective _____)

Section 217.410 Recordkeeping

a) Any owner or operator of a cement kiln subject to this Subpart must produce and maintain records that include, but are not limited to:

1) Emissions in pounds of NO_x per ton of clinker produced from each kiln, subject to the requirements of Section 217.402(a)(2), (a)(3)(C) or (a)(5) of this Subpart;

2) The date, time, and duration of any startup, shutdown, or malfunction in the operation of any cement kiln subject to this Subpart or any emissions monitoring equipment. The records shall include a description of the malfunction and maintenance activity;

3) If operating a low-NO_x burner or mid-kiln firing system: the date, time and duration of any regularly scheduled maintenance, with a description of the activity, and tons of clinker produced from each kiln;

4) The results of any required performance testing;

5) Daily cement kiln clinker production in tons per day; and

6) The records of monitoring required by Section 217.406 of this Subpart.

b) All records required to be produced or maintained shall be retained on site for a minimum of three years and be made available to the Agency upon request.

(Source: Added at 25 Ill. Reg. 4597-2, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Nursing and Advanced Practice Nursing Act - Advance Practice Nurse

2) Code Citation: 68 Ill. Adm. Code 1305

| 3) Section Numbers: | Adopted Action: |
|---------------------|-----------------|
| 1305.10 | New Section |
| 1305.15 | New Section |
| 1305.20 | New Section |
| 1305.25 | New Section |
| 1305.30 | New Section |
| 1305.35 | New Section |
| 1305.40 | New Section |
| 1305.45 | New Section |
| 1305.50 | New Section |
| 1305.60 | New Section |
| 1305.70 | New Section |
| 1305.75 | New Section |
| 1305.80 | New Section |
| 1305.85 | New Section |
| 1305.90 | New Section |
| 1305.95 | New Section |
| EXHIBIT A | New Section |
| EXHIBIT B | New Section |

4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65].

5) Effective Date of Rules: March 15, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: September 22, 2000, at 24 Ill. Reg. 14159.

10) Has JCPR issued a Statement of Objections to these Rules? Yes

A) Statement of Objection: March 9, 2001, 25 Ill. Reg. 3720

B) Agency Response: March 30, 2001, 25 Ill. Reg. 4698

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

C) Date Agency Response Submitted for Approval to JCAR: March 15, 2001

11) Differences between proposal and final version: The fingerprint requirement in Sections 1305.15 and 1305.20 has been eliminated for advanced practice nurses, as they will be printed when they apply for their registered nurse licensure. Requirements have been added in Sections 1305.45 and 1305.EXHIBIT B concerning office-based anesthesia services by certified registered nurse anesthetists (CRNAs) and physicians who enter into practice agreements will be required to maintain current Advanced Cardiac Life Support (ACLS) certification, and physicians must at a minimum complete continuing medical education (CME) in anesthesia every 3 years (8 hours for conscious sedation and 34 for deep sedation, regional anesthesia and/or general anesthesia). CRNAs providing anesthesia services in an office setting must do so in accordance with Section 1-11 of the "Standards for Office Based Anesthesia Practice" of the American Association of Nurse Anesthetists.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Public Act 90-742 retitled the Illinois Nursing Act and provided for the licensure of advanced practice nurses, including nurse midwives, nurse practitioners, nurse anesthetists, and clinical nurse specialists; these proposed rules implement those provisions. This is a new profession undergoing its initial licensure. In conjunction with PA 91-414, it granted limited prescriptive authority to advanced practice nurses. Under these statutory changes, advanced practice nurses may obtain mid-level practitioner licenses to prescribe controlled substances when authorized by a physician in accordance with this Act. PA 90-818 addressed problems associated with the issuance of mid-level practitioner controlled substances licenses expressed by the federal Drug Enforcement Administration. It also provides for written collaborative agreements with physicians and for medical direction.

16) Information and questions regarding this adopted Part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0913
Fax: 217/782-7611

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

The full text of the adopted rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1305
NURSING AND ADVANCED PRACTICE NURSING ACT -
ADVANCED PRACTICE NURSE

| | |
|------------|---|
| Section | Definitions |
| 1305.10 | Application for Licensure Prior to July 1, 2001 |
| 1305.15 | Application for Licensure Beginning July 1, 2001 |
| 1305.20 | Fees |
| 1305.25 | Written Collaborative Agreements |
| 1305.30 | Medical Direction |
| 1305.35 | Prescriptive Authority |
| 1305.40 | Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist |
| 1305.45 | Practice Agreement for Certified Registered Nurse Anesthetist |
| 1305.50 | Renewals |
| 1305.60 | Advertising |
| 1305.70 | Mandatory Reporting of Impaired Advanced Practice Nurses by Health Care Institutions |
| 1305.80 | Fines |
| 1305.85 | Public Access to Records and Meetings |
| 1305.90 | Refusal to Issue a Nurse License based on Criminal History Record |
| 1305.95 | Granting Variances |
| EXHIBIT A | Sample Written Collaborative Agreement |
| EXHIBIT B | Sample Practice Agreement for Office Based Anesthesia Services |
| AUTHORITY: | Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/15-2105(7)]. |
| SOURCE: | Adopted at 25 Ill. Reg. 4609, effective 7/1/01. |

Section 1305.10 Definitions

"Act" means the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"APN Board" or "Board" means the Advanced Practice Nursing Board.

"Advanced practice nurse" or "APN" means a person who:
is licensed as a registered professional nurse under the Act;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

meets the requirements for licensure as an advanced practice nurse under Section 15-10 of the Act;

except as provided in Section 15-25 of the Act, has a written collaborative agreement with a collaborating physician in the diagnosis of illness and management of wellness and other conditions as appropriate to the level and area of his or her practice in accordance with Section 15-15 of the Act; and

cares for patients:

by using advanced diagnostic skills, the results of diagnostic tests and procedures ordered by the advanced practice nurse, a physician assistant, a dentist, a podiatrist, or a physician, and professional judgment to initiate and coordinate the care of patients;

by ordering diagnostic tests, prescribing medications and drugs in accordance with Section 15-20 of the Act, and administering medications and drugs; and

by using medical, therapeutic, and corrective measures to treat illness and improve health status.

Categories include Certified Nurse Midwife (CNM), Certified Nurse Practitioner (CNP), Certified Registered Nurse Anesthetist (CRNA), or Certified Clinical Nurse Specialist (CNS). (Section 15-5 of the Act)

"Collaborating physician" means a physician who works with an advanced practice nurse and provides medical direction as documented in a written collaborative agreement required under Section 15-15 of the Act. (Section 15-5 of the Act)

"physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987. (Section 15-5 of the Act)

Section 1305.15 Application for Licensure Prior to July 1, 2001

a) An applicant for licensure as an advanced practice nurse shall file an application, prior to July 1, 2001, on forms provided by the Department. The application shall include:

- 1) Current Illinois registered nurse license number.
- 2) Proof of current national certification, which includes completion of an examination, from one of the following:
 - A) Nurse Midwife certification from:
 - i) the American College of Nurse Midwives (ACNM); or
 - ii) American College of Nurse Midwives Certification

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Council (ACC):

- B) Nurse Practitioner certification from:
 - i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;
 - ii) American Nurses Credentialing Center as a Nurse Practitioner;
 - iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;
 - iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialists as a Nurse Practitioner; or
 - v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner;
- C) Registered Nurse Anesthetist certification from:
 - i) Council on Certification of the American Association of Nurse Anesthetists; or
 - ii) Council on Recertification of the American Association of Nurse Anesthetists;
- D) Clinical Nurse Specialist certification from:
 - i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist;
 - ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;
 - iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;
 - iv) Oncology Nursing Certification Corporation as an Advanced Oncology Certified Nurse (AOCN); or
 - v) Certification Board for Urologic Nurses and Associates as a Urologic Clinical Nurse Specialist.
- 3) The Board, in addition to the certifications listed in subsection (a)(2)(D), may review and make a recommendation to the Department to accept a certification for a clinical nurse specialist if the certifying body meets the following requirements:
 - A) is national in the scope of credentialing;
 - B) has no requirement for an applicant to be a member of any organization;
 - C) has an examination that represents a specialty practice category;
 - D) has an examination that evaluates knowledge, skills and abilities essential for the delivery of safe and effective specialty nursing care;
 - E) has an examination whose content and distribution are specified in a test plan;
 - F) has examination items reviewed for content validity, cultural sensitivity and correct scoring using an established mechanism, both before use and periodically;
 - G) has an examination evaluated for psychometric performance;
 - H) has a passing standard established using acceptable

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- I) has examination methods and is reevaluated periodically;
- J) issues a certification based upon passing the examination;
- K) has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status and changes in the certification program, including qualifications, test plan and scope of practice; and
- L) has an evaluation process to provide quality assurance in its certification program.
- 4) Education
 - A) Proof of successful completion of a post-basic advanced practice formal education program in the area of his or her nursing specialty; or
 - B) Proof of successful completion of a master's program appropriate for certification as a Nurse Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.
- 5) A complete work history since completion of an advanced practice nursing program.
- 6) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:
 - A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 7) The fee required in Section 1305.25 of this Part.
 - b) A nurse practitioner applying for licensure as an advanced practice nurse pursuant to Section 15-10(c) of the Act shall file an application, before July 1, 2001, on forms provided by the Department. The application shall include:
 - 1) Current Illinois registered nurse license number;
 - 2) Education
 - A) Proof of successful completion of a post-basic advanced practice formal education program in the area of his or her nursing specialty; or
 - B) Proof of successful completion of a master's or higher program appropriate for certification as a nurse practitioner;
 - 3) Proof of practice for at least 10 years as a nurse practitioner;
 - 4) A complete work history since completion of an advanced practice nursing education program;
 - 5) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; Part.
- 6) The fee required in Section 1305.25 of this Part.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) An advanced practice nurse license will be issued when the applicant meets the requirements set forth in this Section and the Act or the applicant will be notified for the reasons for denial.
- e) "Post-basic advanced practice formal education program" means an integrated course of study that includes concurrent advanced clinical nursing practice and theory.

Section 1305.20 Application for Licensure Beginning July 1, 2001

- a) An applicant for licensure as an advanced practice nurse shall file an application on forms provided by the Department. The application shall include:
 - 1) Current Illinois registered nurse license number.
 - 2) Proof of current national certification, which includes completion of an examination, from one of the following:
 - A) Nurse Midwife certification from:
 - i) the American College of Nurse Midwives (ACNM); or
 - ii) the American College of Nurse-Midwives Certification Council.
- B) Nurse Practitioner certification from:
 - i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;
 - ii) American Nurses Credentialing Center as a Nurse Practitioner;
 - iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;
 - iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or
 - v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner.
- C) Registered Nurse Anesthetist certification from:
 - i) Council on Certification of the American Association

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- of Nurse Anesthetists; or
- ii) Council on Recertification of the American Association of Nurse Anesthetists.
- D) Clinical Nurse Specialist certification from:
 - i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist;
 - ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;
 - iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;
 - iv) Oncology Nursing Certification Corporation as an Advanced Oncology Nurse (ACON); or
 - v) Certification Board for Urologic Nurses and Associates as Urologic Clinical Nurse Specialist.
- 3) Proof of successful completion of a master's program or higher appropriate for certification as a Nurse Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.
- 4) A complete work history since completion of an advanced practice nursing program.
- 5) Proof on forms provided by the Department, from all states in which an applicant was licensed and is currently licensed as an advanced practice nurse, if applicable, stating:
 - A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 6) The fee required in Section 1305.25 of this Part.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- c) An advanced practice nurse license may be issued when the applicant meets the requirements set forth in this Section.

Section 1305.25 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application fees. The fee for application for a license as an advanced practice nurse is \$135.
- b) Renewal fees. The fee for the renewal of a license shall be calculated at the rate of \$40 per year.
- c) General Fees.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of persons licensed as advanced practice nurses in this State shall be the actual cost of producing the roster.
- 6) The fee for processing a fingerprint card by the State Police is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

Section 1305.30 Written Collaborative Agreements

- a) A written collaborative agreement shall describe the working relationship of the advanced practice nurse with the collaborating physician and shall authorize the categories of care, treatment, or procedures to be performed by the advanced practice nurse. (Section 15-15(b) of the Act)
- b) The agreement shall be defined to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The services to be provided by the advanced practice nurse shall be services that the collaborating physician generally provides to his or her patients in the normal course of his or her clinical medical practice. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease, or symptom, but must specify which authorized procedures require a physician's presence as the procedures are being performed. The collaborative relationship under an agreement shall not be construed to require the personal presence of a physician at all times at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement. (Section 15-15(b) of the Act)
- c) A copy of the signed, written collaborative agreement must be available to the Department upon request from both the advanced practice nurse and the collaborating physician and shall be annually updated. An advanced practice nurse shall inform each collaborating physician of all collaborative agreements he or she has signed and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- provide a copy of these to any collaborating physician, upon request. (Section 15-15(d) of the Act)
- d) Pursuant to Section 15-25 of the Act, a certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement to provide anesthesia services ordered by a licensed physician, dentist or podiatrist. However, a certified registered nurse anesthetist may be delegated limited prescriptive authority under Section 15-20 of the Act in a written collaborative agreement.

Section 1305.35 Medical Direction

- a) Physician medical direction shall be adequate with respect to collaboration with Certified Nurse Practitioners, Certified Nurse Midwives, and Clinical Nurse Specialists if a collaborating physician: 1) participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse and periodically reviews those orders and the services provided to patients under those orders in accordance with accepted standards of medical practice and advanced practice nursing practice; 2) is on site at least once a month to provide medical direction and consultation. On site is defined in the collaborative agreement; and 3) is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral. (225 ILCS 60/54-5(b))
- b) Medical direction for a certified registered nurse anesthetist shall be in accordance with Section 54-5(b-5) of the Medical Practice Act (225 ILCS 60/54-5(b-5)).
- c) In the absence of the collaborating physician, another physician shall be available for consultation.

Section 1305.40 Prescriptive Authority

- a) A collaborating physician who delegates limited prescriptive authority to an advanced practice nurse shall include that delegation in the written collaborative agreement. The prescriptive authority may include prescription and dispensing of legend drugs and controlled substances categorized as Schedule III, IV, or V controlled substances, as defined in the Illinois Controlled Substances Act (720 ILCS 570). The authority to prescribe Schedule II controlled substances may not be delegated by the collaborating physician. An APN who has been given controlled substances prescriptive authority shall be required to obtain an Illinois mid-level practitioner controlled substance license in accordance with 77 Ill. Adm. Code 3100. The physician shall file a notice of delegation of prescriptive authority with the Department. The delegation of authority form shall be submitted to the Department prior to the issuance of a controlled

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- substance license.
- c) The APN may only prescribe and dispense within the scope of practice of the collaborating physician.
- d) All prescriptions written and signed by an advanced practice nurse shall indicate the name of the collaborating physician. The collaborating physician's signature is not required. The advanced practice nurse shall sign his/her own name.
- e) An APN may receive and dispense samples per the collaborative agreement.
- f) Medication orders shall be reviewed periodically by the collaborating physician.

Section 1305.45 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist

- a) A licensed certified registered nurse anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in a licensed hospital, a licensed ambulatory surgical treatment center, or the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions, unless hospital policy adopted pursuant to Section 10.7(3)(B) of the Hospital Licensing Act [210 ILCS 85/10.7(3)(B)] or ambulatory surgical treatment center policy adopted pursuant to Section 6.5(3)(B) of the Ambulatory Surgical Treatment Center Act [210 ILCS 5/6.5(3)(B)] provides otherwise. (Section 15-25(a) of the Act)
- b) A certified registered nurse anesthetist who provides anesthesia services in a hospital shall do so in accordance with Section 10.7 of the Hospital Licensing Act and, in an ambulatory surgical treatment center, in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act. (Section 15-25(b) of the Act)
- c) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 of the Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. Certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the physician in accordance with hospital alternative policy or the medical staff consulting committee policies of a licensed ambulatory surgical treatment center. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- podiatrist shall agree with the anesthesia plan, in accordance with the written practice agreement. (Section 15-25(d) of the Act)
- d) A certified registered nurse anesthetist may be delegated limited prescriptive authority under Section 15-20 of the Act in a written collaborative agreement meeting the requirements of Section 15-15 of the Act. (Section 15-25(e) of the Act)
- e) In a physician's office, the certified registered nurse anesthetist may only provide anesthesia services if the physician has training and experience in the delivery of anesthesia services to patients. Such training and experience shall be documented in the written practice agreement.
- f) The training and experience requirements may be met in the manner specified in either subsection (e)(1)(A) or (B).

- A) The physician maintaining clinical privileges to administer anesthesia services in a hospital licensed in accordance with the Hospital Licensing Act or an ambulatory surgical treatment center licensed in accordance with the Ambulatory Surgical Treatment Center Act [210 ILCS 5/] or
- B) Completion of continuing medical education:

- i) For conscious sedation only, the physician shall complete a minimum of 8 hours of continuing medical education (CME) within each 3 year license renewal period in delivery of anesthesia, including the administration of conscious sedation. The physician will be required to complete 4 of the 8 hours of CME for the July 2002 renewal period.
- ii) For deep sedation, regional anesthesia and/or general anesthesia, a physician shall complete a minimum of 34 hours of continuing medical education in the delivery of anesthesia services within each 3 year license renewal period. The physician will be required to complete 16 of the 34 hours of CME for the July 2002 renewal period. Fulfillment of this requirement shall satisfy the requirement of subsection (e)(1)(B)(i) above.
- iii) A continuing medical education program shall be conducted by a university, professional association, or hospital as a formal CME program under 68 Ill. Adm. Code 1285.110(b)(2).
- 2) In addition, the physician and any certified registered nurse anesthetist shall maintain current Advanced Cardiac Life Support (ACLS) certification. (For practice agreements entered into prior to November 1, 2001, the physician and CRNA shall obtain ACLS certification no later than November 1, 2001.)
- f) In a dentist's office, the certified registered nurse anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act [225 ILCS 25] and rules (68 Ill. Adm. Code 1220). Licensed dentists are required to hold

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

permits to administer anesthesia pursuant to 68 Ill. Adm. Code 1220: Subpart D.

g) In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and rules (68 Ill. Adm. Code 1360). Podiatrists may not administer general anesthetics.

h) A CRNA providing anesthesia services in a physician, dental or podiatrist office shall do so with the active participation, approval, presence and availability of the physician, dentist or podiatrist as well as in accordance with Standards 1-11 of the "Standards for Office Based Anesthesia Practice", American Association of Nurse Anesthetists, 222 South Prospect Avenue, Park Ridge, Illinois 60068 (1999), which are hereby incorporated by reference, with no later editions or amendments. If there is a conflict between the Nursing and Advanced Practice Nursing Act or this Part and the Standards for Office Based Anesthesia Practice of the American Association of Nurse Anesthetists, the Act and this Part shall prevail.

Section 1305.50 Practice Agreement for Certified Registered Nurse Anesthetist

A certified registered nurse anesthetist who provides anesthesia services in a physician office, dental office, or podiatric office shall enter into a written practice agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches, the dentist, or the podiatrist performing the procedure. The agreement shall describe the working relationship of the certified registered nurse anesthetist and anesthesiologist, physician, dentist, or podiatrist and shall authorize the categories of care, treatment, or procedures to be performed by the certified registered nurse anesthetist. In a dentist's office, the certified registered nurse anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules (68 Ill. Adm. Code 1220). In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules (68 Ill. Adm. Code 1360). For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion and agreement with the anesthesia plan and shall remain physically present and be available on the premises for diagnosis, consultation and treatment of emergency medical conditions. (Section 15-25(c) of the Act)

Section 1305.60 Renewals

a) Every license issued under the Act shall expire on May 31 of each even numbered year. The first renewal of an advanced practice nurse license is 2002. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. A licensee's registered nurse license shall be renewed in order

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

to renew the advanced practice nurse license.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

c) Practice on a license that has expired is the unlicensed practice of advanced practice nursing and shall be grounds for discipline pursuant to Section 15-50 of the Act.

Section 1305.70 Advertising

a) Advertising shall contain all information necessary to make the communication informative and not misleading. Advertising shall identify the type of license held by the licensee whose services are being promoted. The form of advertising shall be designed to communicate the information to the public in a direct, dignified and readily comprehensible manner.

b) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the advanced practice nurse and a recording of the actual transmission, including videotape, shall be retained for at least 3 years by the advanced practice nurse.

c) Advertising shall otherwise comply with Section 15-40 of the Act.

Section 1305.75 Mandatory Reporting of Impaired Advanced Practice Nurses by Health Care Institutions

a) Section 15-55 of the Act requires that the chief administrator or executive officer of any health care institution licensed by the Department of Public Health report to the APN Board concerning impaired advanced practice nurses. All instances in which a person licensed under the Act is impaired by reason of age, drug or alcohol abuse, or physical or mental impairment, is under supervision, and where appropriate, is in a program of rehabilitation, must be reported to the APN Board. The reports must contain sufficient information to enable the APN Board to evaluate the impairment and determine the appropriateness of the supervision or the program of rehabilitation. If the Board finds the supervision or treatment plan submitted by the institution is not sufficient to meet the needs of the individual, the Board may direct the facility to work with the Department to revise the plan or treatment to meet the specific objections.

b) Contents of Reports. Reports of impaired persons shall be submitted in writing on forms provided by the Department that shall include but not be limited to the following information:

- 1) The name, address, telephone number and title of the person making the report;
- 2) The name, address, telephone number and type of health care

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 3) institution where the maker of the report is employed;
- 3) The name, address, telephone number and professional license number of the person who is the subject of the report;
- 4) A means of identification used by the institution of any patient or patients whose treatment is a subject of the report, provided, however, no medical records may be revealed without the written consent of the patient or patients; and further provide that the APN Board may require disclosure of the name, address, and telephone number of any patient if it deems the information necessary to an evaluation of the impairment or a determination of the appropriateness of the supervision or program of rehabilitation;
- 5) The nature of the impairment and brief description of the facts that gave rise to the issuance of the report, including the dates and any occurrences deemed to necessitate the filing of the report;
- 6) The terms and conditions of the supervision under which the subject of the report is conducting his activities or practice, including the date supervision commenced; the term of the supervision; the name, address and telephone number of the person in charge of the subject's supervision; and a written consent executed by the subject of the report authorizing the APN Board, or designated representative of the APN Board, to contact the person in charge of the subject's supervision for information, including written documentation, in order to evaluate the progress of the subject's supervision pursuant to subsection (g)(2);
- 7) If the subject of the report is in a program of rehabilitation, the name, address, and telephone number of the program and the name and position of any individual in charge of the program; and
- 8) Any other information deemed by the reporting person to be of assistance to the APN Board in evaluating the report, including, but not limited to, the following items: drug screens being used and their status; relapses and actions taken; attendance at work; observations of recovery status and level of cooperation in recovery; other psychopathology or known related physical and mental illnesses; involvement of the family and others in treatment or supervision; and a copy of the aftercare agreement.
- c) Reports of impaired persons shall be submitted to the APN Board in a timely manner. The initial report shall be submitted on forms provided by the Department within 60 days after it is determined that a report is necessary under the Act and this Section. Periodic reports (which evidence written documentation of the progress of supervision or rehabilitation) shall be submitted to the APN Board every 6 months, commencing with the time of the filing of the initial report. A copy of each report shall be sent by the person making the report to the impaired person.
- d) Confidentiality

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) The contents of any report shall be strictly confidential, except as otherwise provided in this subsection (d), and exempt from public disclosure, but may be given by:
 - A) Members of the APN Board or their designees;
 - B) The APN Board's designated attorneys;
 - C) Administrative personnel assigned to open mail containing reports, to process and distribute the reports to authorized persons, and to communicate with senders of reports; and
 - D) The person who is the subject of the report, his attorney or his authorized representative (as evidenced by a written authorization signed by the person who is the subject of the report).
- 2) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under this Act by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report, and the professional license number of the subject of the report.
- 3) The contents of the confidential reports relating to impaired persons shall not be used or made available in any other administrative proceedings before the Department of Professional Regulation or any other department; however, violations of the treatment or supervision plan will result in a review of the person's status by the Board or its designees for possible discipline or revision in the treatment or supervision plan. Reports shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.
- e) Upon a determination by the Board that a report or reports on an impaired person no longer require review and consideration, the Board shall notify the maker of the reports to cease sending the reports and the Board and Department records shall be purged of information contained in the reports. Such determinations shall be based on, but not limited to: the type of rehabilitation program, length of supervision, occurrence of any relapses and present status of license. Whenever any chief administrative or chief executive officer of a health care institution who makes a report or provides other information to the Board, or assists the Board concerning an impaired person, acts in good faith and not in a willful and wanton manner, that chief administrative or chief executive officer, and the health care institution employing him, shall not, as a result of such actions, be subject to criminal prosecution or civil damages (Section 15-55(c) of the Act).
- g) Definitions
 - 1) "impaired" means the inability to practice advanced practice nursing with reasonable skill and safety due to physical or mental disabilities, as evidenced by a written evaluation or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

licensee. All such notices will include a statement of the reason for the Department's action.

2) An applicant or licensee may request a hearing to contest the Department's action pursuant to 68 Ill. Adm. Code 1110. The request shall be in writing, and must be received by the Department not later than 20 days after the date the Department mailed or personally delivered the notice of its action to the applicant or licensee.

3) After receipt of a request for hearing and prior to any such hearing, the Department shall schedule an informal conference with the applicant or licensee in an attempt to resolve issues in controversy consensually. The Department shall notify the applicant or licensee of the informal conference at least 20 days prior to the hearing. Failure by the applicant or licensee to attend the informal conference shall act as a withdrawal of the applicant's or licensee's request for a hearing.

Section 1305.95 Granting Variances

a) The Director may grant variances from this Part in individual cases where he finds that:

- 1) the provision from which the variance is granted is not statutorily mandated;
- 2) no party will be injured by the granting of the variance; and
- 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the APN Board of the granting of a variance, and the reasons for the variance, at the next meeting of the APN Board.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1305. EXHIBIT A Sample Written Collaborative Agreement

ADVANCED PRACTICE NURSING
WRITTEN COLLABORATIVE AGREEMENT

A. ADVANCED PRACTICE NURSE INFORMATION

1. NAME: _____
2. ILLINOIS RN LICENSE NUMBER: _____
ILLINOIS APN LICENSE NUMBER: _____
ILLINOIS MID-LEVEL PRACTITIONER LICENSE NUMBER: _____
FEDERAL MID-LEVEL PRACTITIONER DEA NUMBER: _____
3. AREAS OF CERTIFICATION: _____
4. CERTIFYING ORGANIZATION: _____
5. CERTIFICATION EXPIRATION DATE: _____
6. CERTIFICATION NUMBER: _____
7. PRACTICE SITES: See Attachment A.
8. CONTACT NUMBER: _____
FACSIMILE NUMBER: _____
EMERGENCY CONTACT NUMBERS: _____
(e-g., pager, answering service)
9. ATTACHMENTS:
Copy of Certification/Recertification
Copies of RN & APN License
Copy of Certificate of Insurance
Copy of Mid-Level Practitioner License

B. COLLABORATING PHYSICIAN INFORMATION

1. NAME: _____
2. ILLINOIS LICENSE NUMBER: _____
3. PRACTICE AREA OR CONCENTRATION: _____
4. BOARD CERTIFICATION (if any): _____
5. CERTIFYING ORGANIZATION: _____

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

6. PRACTICE SITES: See Attachment A.

7. CONTACT NUMBER: _____

FACSIMILE NUMBER: _____

EMERGENCY CONTACT NUMBERS: _____

(e.g., pager, answering service)

C. ADVANCED PRACTICE NURSE COLLABORATING PHYSICIAN WORKING RELATIONSHIP

1. SCOPE OF PRACTICE

Under this agreement, the advanced practice nurse will work with the collaborating physician in an active practice to deliver health care services to _____. This includes, but is not limited to, the diagnosis, treatment and management of acute and chronic health problems; ordering, interpreting and performing laboratory and radiology tests; prescribing medications, including controlled substances, to the extent delegated; receiving and dispensing stock and sample medications; performing other therapeutic or corrective measures as indicated.

If applicable, the advanced practice nurse shall maintain allied health personnel privileges at the following hospitals for the designated services:

Hospitals: _____

This written collaborative agreement shall be reviewed and updated annually. A copy of this written collaborative agreement shall remain on file at all sites where the advanced practice nurse renders service and shall be provided to the Illinois Department of Professional Regulation upon request. Any joint orders or guidelines are set forth or referenced in Attachment B.

2. MEDICAL DIRECTION

Physician medical direction shall be adequate with respect to collaboration with Certified Nurse Practitioners, Certified Nurse Midwives, and Certified Clinical Nurse Specialists if a collaborating physician:

- (A) participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse and periodically reviews those orders and the services provided patients under those orders in accordance with accepted standards of medical practice and advanced practice nursing practice;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- (B) is on site at least once a month to provide medical direction and consultation; and

- (C) is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral. (See 225 ILCS 60/54.5(6).)

The written collaborative agreement shall be for services the collaborating physician generally provided to his or her patients in the normal course of clinical practice. Medical direction for a Certified Registered Nurse Anesthetist shall be adequate if:

- (A) an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews those orders and the services provided patients under those orders; and

- (B) for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act. (See 225 ILCS 60/54.5(b-5).)

3. COMMUNICATION, CONSULTATION AND REFERRAL

The advanced practice nurse shall consult with the collaborating physician by telecommunication or in person as needed. In the absence of the designated collaborating physician, another physician shall be available for consultation.

The advanced practice nurse shall inform each collaborating physician of all written collaborative agreements he or she has signed with other physicians, and provide a copy of these to any collaborating physician upon request.

4. DELEGATION OF PRESCRIPTIVE AUTHORITY

As the collaborating physician, any prescriptive authority delegated to the advanced practice nurse is set forth in Attachment C.

NOTE: ADVANCED PRACTICE NURSE MAY ONLY PRESCRIBE CONTROLLED SUBSTANCES UPON RECEIPT OF AN ILLINOIS MID-LEVEL PRACTITIONER

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

CONTROLLED SUBSTANCE LICENSE.

WE THE UNDERSIGNED AGREE TO THE TERMS AND CONDITIONS OF THIS WRITTEN COLLABORATIVE AGREEMENT.

Collaborating Physician
Signature/Date

Advanced Practice Nurse
Signature/Date

(Physician's Typed Name)

(Advanced Practice Nurse's Typed Name)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

ATTACHMENT A
PRACTICE SITES

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

ATTACHMENT B
JOINT ORDERS OR GUIDELINES

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

ATTACHMENT C
DELEGATION OF PRESCRIPTIVE AUTHORITY

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1305, EXHIBIT B Sample Written Practice Agreement for Office Based Anesthesia Services**WRITTEN PRACTICE AGREEMENT FOR OFFICE-BASED ANESTHESIA SERVICES**

[A WRITTEN PRACTICE AGREEMENT IS REQUIRED AT A MINIMUM FOR A CERTIFIED REGISTERED NURSE ANESTHETIST TO PRACTICE IN AN OFFICE OF A LICENSED PHYSICIAN, LICENSED DENTIST OR LICENSED PODIATRIST. A WRITTEN COLLABORATIVE AGREEMENT MAY ALSO BE USED IN THESE SETTINGS. HOWEVER, A CERTIFIED REGISTERED NURSE ANESTHETIST IS NOT REQUIRED TO POSSESS PRESCRIPTIVE AUTHORITY OR A WRITTEN COLLABORATIVE AGREEMENT TO PROVIDE ANESTHESIA SERVICES ORDERED BY A LICENSED PHYSICIAN, DENTIST OR PODIATRIST.]

A. CERTIFIED REGISTERED NURSE ANESTHETIST (CRNA) INFORMATION

1. Name: _____
2. Certification/Recertification #: _____
3. Illinois RN License #: _____
4. Illinois APN License #: _____
5. Contact Number: _____
Facsimile Number: _____
Emergency Contact Numbers: _____
(e.g., pager, answering service)
6. Attachments:
Copy of CRNA Certification/Recertification
Copies of RN & APN License
Copy of Certificate of Insurance
7. ACLS Certification: _____

B. ANESTHESIOLOGIST, PHYSICIAN, DENTIST OR PODIATRIST INFORMATION

1. Name: _____
2. Illinois License #: _____
3. Practice Area or Concentration: _____
4. Board Certification (if any): _____
5. Certifying Organization: _____

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

6. ACLS Certification: _____
7. Continuing Medical Education (CME):
8 hours of CME for conscious sedation: _____
34 hours of CME for general anesthesia, deep conscious sedation and regional anesthesia, including conscious sedation: _____
OR
Hospital privileges to provide anesthesia services:
Ambulatory Surgical Treatment Center: _____
8. Practice Site: _____
9. Contact Number: _____
Facsimile Number: _____
Emergency Contact Numbers: _____
(e.g., pager, answering service)

C. WORKING RELATIONSHIP OF THE PARTIES

Under this agreement, the CRNA will deliver anesthesia services to designated patients in an active practice working with the anesthesiologist, physician, dentist or podiatrist pursuant to a mutually agreed upon anesthesia plan.

1. A licensed certified registered nurse anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. (See 225 ILCS 65/15-25(a).)
2. A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 of the Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. (See 225 ILCS 65/15-25(d).) Certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist, physician, dentist or podiatrist. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating podiatrist shall agree with

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

the anesthesia plan, in accordance with the written practice agreement. (See 225 ILCS 65/15-25(d).)

3. In a physician's office, the certified registered nurse anesthetist may only provide anesthesia services if the physician has training and experience in the delivery of anesthesia services to patients. (See 68 Ill. Adm. Code 1305.50(e).)

4. In a dentist's office, the Certified Registered Nurse Anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules. Licensed dentists are required to hold permits to administer anesthesia pursuant 68 Ill. Adm. Code 1220: Subpart D.

5. In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules. Podiatrists may not administer general anesthetics. (See 68 Ill. Adm. Code 1305.45(f).)

6. A CRNA providing anesthesia services in a physician, dental or podiatrist office shall do so with the active participation, approval, presence and availability of the physician, dentist or podiatrist as well as in accordance with Standards 1-11 of the "Standards for Office Based Anesthesia Practice", American Association of Nurse Anesthetists, 222 South Prospect Avenue, Park Ridge, Illinois 60068 (1999), which are hereby incorporated by reference, with no later editions or amendments. If there is a conflict between the Nursing and Advanced Practice Nursing Act or this part and the Standards for Office Based Anesthesia Practice of the American Association of Nurse Anesthetists, the Act and this Part shall prevail.

D. CATEGORIES OF CARE, TREATMENT OR PROCEDURES TO BE PERFORMED

A licensed Certified Registered Nurse Anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. (See 225 ILCS 65/15-25(a).)

A Certified Registered Nurse Anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 of the Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. (See 225 ILCS 65/15-25(d).) Certified registered nurse anesthetists are authorized to

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist, physician, dentist or podiatrist. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating podiatrist shall agree with the anesthesia plan, in accordance with the written practice agreement. (See 225 ILCS 65/15-25(d).)

In a physician's office, the certified registered nurse anesthetist may only provide anesthesia services if the physician has training and experience in the delivery of anesthesia services to patients. (See 68 Ill. Adm. Code 1305.45(e).)

In a dentist's office, the Certified Registered Nurse Anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules. Licensed dentists are required to hold permits to administer anesthesia pursuant 68 Ill. Adm. Code 1220: Subpart D. In a podiatrist's office, the Certified Registered Nurse Anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules. Podiatrists may not administer general anesthetics. (See 68 Ill. Adm. Code 1305.45(e).)

The anesthesia service that the CRNA may provide in the anesthesiologist's, physician's, dentist's or podiatrist's office setting shall be set forth in the attached pages.

Signature of CRNA/Date

CRNA's Typed Name

Signature of Anesthesiologist, Physician, Dentist or Podiatrist/Date

Anesthesiologist's, Physician's, Dentist's or Podiatrist's Typed Name

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers:
100.2165
100.9710
Adopted Action:
Amendment
New Section
- 4) Statutory Authority: 35 ILCS 5/1401
- 5) Effective Date of amendments: March 15, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 11/17/00, 24 Ill. Reg. 16957 and 12/08/00, 24 Ill. Reg. 17713
- 10) Has JC&R issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JC&R. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Ill. Register Citation |
|-----------------|-----------------|------------------------------|
| 100.5130 | Amendment | 12/01/00, 24 Ill. Reg. 17496 |
| 100.2590 | Amendment | 02/09/01, 25 Ill. Reg. 2294 |
| 100.3120 | Amendment | 02/09/01, 25 Ill. Reg. 2294 |
| 100.7010 | Amendment | 02/09/01, 25 Ill. Reg. 2294 |
| 100.9720 | New Section | 03/02/01, 25 Ill. Reg. 3211 |

- 15) Summary and Purpose of amendments: Section 100.2165 is amended to deal with the education expense credit, to eliminate a provision that erroneously states that failure to attach documentation supporting the credit claimed on a return will cause the return to be unprocessable for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

purposes of applying penalties under the Uniform Penalty and Interest Act. In the Uniform Penalty and Interest Act, 35 ILCS 735/3-2(d) provides that failure to include in a return schedules or information necessary to determine the tax due will cause the return to be unprocessable. As provided in Section 100.2165(e), failure to attach documentation supporting the education expense credit will result in a determination of tax due without allowing the credit. Because a determination of tax due can be made, such failure will not cause the return to be unprocessable.

New Section 100.9710 sets forth the definition of "financial organization" contained in Section 1501(a)(8) of the Illinois Income Tax Act. The rulemaking clarifies and provides standards for the application of the various terms in the statutory definition of "financial organization." The rulemaking that was developed is a cooperative effort between the Department and the business and practitioner community.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

PART 100
INCOME TAX

100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Losses in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER DECEMBER 31, 1986

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))

100.2101 Replacement Tax Investment Credit (IITA 201(e))

100.2110 Investment Credit; Enterprise Zone (IITA 201(f))

100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))

100.2130 Investment Credit; High Impact Business (IITA 201(h))

100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))

100.2150 Training Expense Credit (IITA 201(j))

100.2160 Research and Development Credit (IITA 201(k))

100.2165 Education Expense Credit (IITA 201(m))

100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)

100.2180 Credit for Residential Real Property Taxes (IITA 208)

100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

Section
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986

100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(d)(2)(K), 203(c)(2)(W) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(7)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304) - Property Factor (IITA Section 304)
100.3350 Payroll Factor (IITA Section 304)
100.3360 Sales Factor (IITA Section 304)
100.3370 Special Rules (IITA Section 304)
100.3380 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3390

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Under withholding or Overwithholding (IITA Section 701)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

701) Reciprocal Agreement (IITA Section 701)

100.7090 Cross References

100.7095

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100 Withholding Exemption (IITA Section 702)

100.7110 Withholding Exemption Certificate (IITA Section 702)

100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Withheld from Wages (IITA Section 704)

100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)

100.7320 Time for Filing Returns (IITA Section 704)

100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)

100.7340 Correction of Under withholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)

100.9010 Collection Authority (IITA Section 901)

100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)

100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 903)

100.9320 Limitations on Notices of Deficiency (IITA Section 905)

100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)

100.9410 Limitations on Claims for Refund (IITA Section 911)

100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)

100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)

100.9510 Taxpayer Representation and Practice Requirements

100.9520 Conduct of Investigations and Hearings

100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)

100.9710 Financial Organizations (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

APPENDIX A

Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment for Groups Which Include

TABLE B Example of Unitary Business Apportionment for Groups Which Include

Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19374; amended at 9 Ill. Reg. 16586, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1986; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 5, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17588, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. ~~4640~~ 4640-1, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: CREDITS

Section 100.2165 Education Expense Credit (ITTA 201(m))

- a) Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act for qualified education expenses incurred on behalf of the qualifying pupils (the "education expense credit"). The education expense credit shall be equal to 25% of qualified education expenses, but the total education expense credit allowed to a family that is the custodian of qualifying pupils shall not exceed \$500 in any tax year, regardless of the number of qualifying pupils. The education expense credit taken shall not reduce a taxpayer's liability under the Act to less than zero. (ITTA Section 201(m)) Therefore, no part of the education expense credit is refundable to the custodian in the event the custodian's tax liability is reduced to zero.
- b) For a taxpayer to claim the education expense credit, the taxpayer must be the custodian of one or more qualifying pupils and have incurred qualified education expenses on behalf of the qualifying pupils.
- 1) "Qualifying pupils" shall mean individuals that are:
- A) residents of the State of Illinois,
 - B) under the age of 21 at the close of the school year for which a credit is sought, and
 - C) full time pupils enrolled in a kindergarten through twelfth grade education program at any school during the school year for which a credit is sought (ITTA Section 201(m)).
- An individual under the age of 21 and graduating from the twelfth grade during a school year shall be considered a qualifying pupil for the year but only to the extent of qualified education expenses incurred by the custodian due to the qualifying pupil's enrollment in the twelfth grade.
- 2) "Custodian" of qualifying pupils shall mean an Illinois resident(s) who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils (ITTA Section 201(m)).
- A) A foster parent, or the foster parents, or an adoptive parent, or the adoptive parents shall be included within the meaning of parent or legal guardian for purposes of determining the custodian of qualifying pupils.
 - B) Custodian shall not include a parent or the parents of qualifying pupils whose parental rights over such qualifying pupils have been legally terminated.
 - C) The custodian must actually incur qualified education expenses in order to claim the education expense credit. Therefore, a custodian incurring qualified education expenses on behalf of qualifying pupils shall claim the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

education expense credit only to the extent of qualified education expenses actually paid for by that custodian.

- D) The education expense credit claimed shall not exceed the \$500 credit limit allowable to a family that is custodian of qualifying pupils. Therefore, the divorced or unmarried parents of qualifying pupils, each of whom is the custodian of the qualifying pupils and each of whom incurs education expenses on behalf of such pupils, shall be considered the family of such qualifying pupils for purposes of the \$500 credit limit.

- 3) "School", for purposes of the education expense credit, means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code (105 ILCS 5/26-1), except that nothing shall be construed to require a child to attend any particular public or nonpublic school in order to qualify for the education expense credit (105 ILCS 201(m)). Schools that are not required to be in compliance with the Title VI of the Civil Rights Act of 1964 but attendance at which meets the compulsory education requirements of Section 26-1 of the School Code are included within the meaning of "school" for purposes of the education expense credit. Private schools providing educational instruction in the home, attendance at which meets the compulsory education requirements of Section 26-1 of the School Code, are included within the meaning of "school" for purposes of the education expense credit.

- 4) "Qualified education expenses" shall mean amounts incurred on behalf of a qualifying pupil in excess of \$250 for tuition, book fees, and lab fees at the school in which the qualifying pupil is enrolled during the regular school year (105 ILCS 201(m)). Amounts incurred for tuition, book fees and lab fees by a family that is the custodian of more than one qualifying pupil may aggregate all tuition, book fees and lab fees incurred by the family in arriving at qualified education expenses eligible for the credit.

- A) Tuition is the amount paid to a school as a condition of enrollment for a quarter, semester or year term in a kindergarten through twelfth grade education program of the school. Enrollment in an education program shall mean admission to the full and regular schedule of classroom instruction of the school during the designated period. Tuition also includes amounts paid as a condition of enrollment on behalf of a school to cover costs of implementing and administering an education program.

- B) Book fees are amounts paid for the use of books that are essential to a qualifying pupil's participation in the education program of the school. A book is essential when

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

the school or an instructor of the school requires its use by the qualifying pupil in order to participate in and complete a course of the education program.

- C) Lab fees are amounts paid for the use of supplies, equipment, materials or instruments that are essential to a qualifying pupil's participation in a lab course of the school's education program. Supplies, equipment, materials or instruments are essential when the school or an instructor of the school requires their use by the qualifying pupil in order to participate in and complete a lab course of the education program. Lab courses include those courses that, in addition to classroom instruction by a teacher, provide an environment of organized activity involving observation, experimentation or practice in a course of study. Such courses of study include those courses with a scientific, musical, artistic, technical or language skill content. Lab fees may be in the nature of a rental fee for supplies, equipment, materials or instruments that are used in the lab course. Fees incurred for the purchase of supplies, equipment, materials or instruments used in a lab course and which are substantially consumed by the assignments and activities of the lab are also considered qualifying lab fees.

Any amount paid for the purchase of items that would be considered qualified education expenses but for the fact that the items are not substantially consumed during the school year and will remain the tangible personal property of a qualifying pupil or a custodian at the conclusion of the school year shall not be considered qualified education expenses. For purposes of this Section, an item is substantially consumed when, during the school year, the item is used to such an extent that its fair market value has been reduced to a de minimis amount.

- c) Examples. Calculation of the education expense credit may be illustrated by the following examples:

- 1) Example 1. Family A is the custodian of two qualifying pupils. Family A incurs a total of \$6,000 in tuition, book fees and lab fees for the education of both pupils during the calendar year. The first \$250 incurred for tuition, book fees and lab fees is not included as a qualified education expense. The balance of \$5,750 (\$6,000 - \$250) multiplied by 25% equals \$1,437.50. Family A may only claim the maximum tax credit allowable of \$500.
- 2) Example 2. Family B is the custodian of one qualifying pupil. Family B incurs a total of \$2,250 in tuition, book fees and lab fees for the education of the qualifying pupil during the calendar year. Family B also incurs \$200 for the purchase of a musical instrument used by the qualifying pupil while participating in the school band. The \$200 incurred for the purchase of a musical instrument is an expense that does not

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

qualify for the credit. The first \$250 incurred for tuition, book fees and lab fees is not included as a qualified education expense. The balance of \$2,000 (\$2,250-\$250) multiplied by 2% equals \$500. Family B may claim the entire maximum tax credit allowable of \$500.

- 3) Example 3. Family C is the custodian of four qualifying pupils. Family C incurs a total of \$1,000 in book fees and lab fees for the education of all four qualifying pupils during the calendar year. Family C also incurs a total of \$50 for the purchase of books used in completing book reports required by the school. The \$50 incurred for the purchase of books is an expense that does not qualify for the credit. The first \$250 incurred for book fees and lab fees is not included as a qualified education expense. The balance of \$750 (\$1,000 - \$250) multiplied by 2% equals \$187.50. Family C may claim a tax credit of \$187.50.
- d) To aid a custodian in claiming the education expense credit, a school should provide to the custodian a written receipt documenting education expenses paid to the school by the custodian on behalf of qualifying pupils during the calendar year. The written receipt should be provided to the custodian on or before January 31 of the succeeding calendar year. Where a school provides a written receipt to a custodian, it shall be a receipt prescribed by the Department which shall include the following information:
 - 1) the designated calendar year during which the education expenses were paid;
 - 2) the name and address of the school;
 - 3) the name and address of the custodian;
 - 4) the name(s) and social security number(s) of the qualifying pupil or pupils;
 - 5) a list of education expense amounts paid for tuition, book fees and lab fees during the calendar year; and
 - 6) the total of all such education expenses paid during the calendar year. All information contained on the written receipt provided by a school is deemed confidential information for use as supporting documentation of the education expense credit claimed and shall not be used for any other purpose.

- e) A custodian shall use a school's written receipt of education expenses as documentation supporting the education expense credit claimed on the custodian's individual income tax return. A copy of the written receipt shall be filed with the return for the taxable year to which it relates. In the event a school's written receipt of education expenses is not made available to a custodian, the custodian shall complete and file with the custodian's return the schedule prescribed by the Department for taking the credit. The education expense credit shall not be taken without either a school's written receipt or a schedule being filed with the return. ~~A return claiming the credit and--filed--without--a--school's--written--receipt--or--without--the Department's--prescribed--schedule--shall--be--deemed--unprocessable--for~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~purposes--of--the--application--of--penalties--and--interest--under--the Uniform--Penalty--and--Interest--Act--(15--t1685--735)--~~

- f) A custodian filing a return claiming the education expense credit shall maintain records of proof as to the education expenses paid for by the custodian. The custodian shall maintain the records for a period of not less than three years after the date the return on which the custodian claimed the education expense credit was filed. Such records maintained by the custodian shall be subject to inspection by the Department and its duly authorized agents and employees.
- g) The education expense credit for qualified education expenses incurred must be claimed for the tax year in which the qualified education expenses are actually paid. Any part of the education expense credit not claimed or allowed in a given tax year shall not be carried forward or back to any other tax year. Likewise, where qualified education expenses are incurred in excess of the allowable education expense credit for any given tax year, the excess of qualified education expenses shall not be used in claiming the education expense credit for any other tax year.

(Source: Amended at 25 Ill. Reg. 4640 --, effective 1/1/1991.)

SUBPART BB: DEFINITIONS

Section 100.9710 Financial Organizations (117A Section 1501)

- a) General Definition. The term "financial organization" is defined in 117A Section 1501(a)(8)(A) to mean any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 USC 1841), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956. This definition constitutes an exclusive and exhaustive list of the types of organization which are "financial organizations" under the Illinois Income Tax Act.
- b) Entities Engaged in Financial Organization Activities and Other Activities. For purposes of this Section, an entity that is classified as a "bank" under subsection (e) of this Section; or as a "bank holding company" under subsection (f) of this Section; or as a person owned by a bank or bank holding company under subsection (g) of this Section, is a "financial organization" regardless of whether the entity is predominantly engaged in the business activities

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

characteristic of a financial organization. In order for any other entity to be characterized as a "financial organization" in any tax year, the entity must be predominantly engaged in the business activities of a financial organization during the year. For this purpose, an entity engaged in business activities of a financial organization, as well as other business activities in the same tax year, is predominantly engaged in the business activities of a financial organization during that year only if more than 80% (30% in the case of a sales finance company under subsection (d)(10) of this Section) of the entity's gross income, averaged over a period of three years, which includes the current tax year and the immediately preceding two tax years, is derived from the business activities characteristic of one or more of the categories of financial organization defined in this Section for which the entity otherwise qualifies. For purposes of this subsection, gross income shall include only amounts that are received in the ordinary course of the entity's regular business activities and that are included in net income under the Illinois Income Tax Act. For purposes of determining whether an entity is predominantly engaged in the business activities of a financial organization when an entity is formed in a current tax year or in its immediately preceding tax year, only the years for which the entity is in existence will be used in determining whether the entity meets the 80% test (or 50% test in the case of a sales finance company under subsection (d)(10) of this Section).

1) Income which results from transactions outside the ordinary course of an entity's regular business activities is not taken into account for the purposes of the gross income test. For example, amounts received from the sale of an entity's headquarters shall be disregarded, whether or not the gain is characterized as business income.

2) The classification of an entity as a "financial organization" under the ITA is relevant to how the business income of the entity shall be apportioned to Illinois under ITA Section 304(c). The treatment of items of income that are not included in apportionable business income is not affected by such classification, and such items are therefore disregarded for purposes of the gross income test. For example, interest received on United States Treasury obligations is excluded from Illinois base income, and accordingly is disregarded for purposes of determining whether the business income of an entity should be apportioned using the financial organization formula. Similarly, dividends received by a corporation shall be disregarded to the extent the dividends are deducted from federal taxable income under Section 243 of the Internal Revenue Code or are subtracted in the computation of Illinois base income under ITA Section 203(b)(2)(c).

3) In the case of a sale or disposition of any asset (whether tangible or intangible, and whether the asset is part of the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

taxpayer's stock in trade) that occurs in the ordinary course of an entity's regular business activities, only the net gain shall be taken into account for purposes of the gross income test. Thus, for example, gross income from the sale of inventory is equal to its gross receipts minus the cost of goods sold, while gross income from the sale of stock is equal to the sales price minus any brokerage commission and minus the taxpayer's basis in the stock. If gross income from a transaction is negative, the loss shall not be considered for purposes of the gross income test.

4) Leasing Activities. For purposes of the ITA and the Internal Revenue Code, a "finance lease" is treated as an extension of credit, rather than as a true lease. In a finance lease, the lessor is treated as a creditor, and the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code. For purposes of this Section, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject.

5) In applying the gross income test to an entity engaged in the businesses of more than one of the types of organization defined in subsection (d) of this Section, "gross income from financial services" shall include gross income derived from all services characteristic of any specific defined type of organization for which the entity qualifies. For example:

A) Selling and exchanging currency is a characteristic service only of banks. Accordingly, "gross income from financial services" of an entity which qualifies as a bank under subsection (d)(1) of this Section, and as a safe deposit company under subsection (d)(6) of this Section, includes both income from trading in foreign currency and safe deposit box rentals. However, "gross income from financial services" of an entity which qualifies as a safe deposit company, but not as a bank, does not include income from trading in foreign currency.

B) A taxpayer that meets all other qualifications of a sales finance company and also of a small loan company, and that derives 40% of its gross income from transactions characteristic of a sales finance company and 35% of its gross income from transactions characteristic of a small loan company is not a financial organization because it does not meet either the 50% test for sales finance companies nor the 80% test applicable to other types of financial organization. If, however, the taxpayer derives 45% of its gross income from transactions characteristic of a sales finance company and 36% of its gross income from

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

transactions characteristic of a small loan company, it would not be a sales finance company because it does not meet the 50A test, but it would be a financial organization under the 50A test.

- 6) IITA Section 1301(a)(8)(D) provides that an entity that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of the Act. Accordingly, in applying the gross income test, an entity's transactions with a person to which it is related (including transactions with a member of the entity's unitary business group which are eliminated in combination under Section 100.320(d) of this Part) shall be treated in the same manner as transactions between the entity and an unrelated person, subject in all cases to the authority of the Department under IITA Section 404 to make such adjustments as are necessary to properly reflect each party's Illinois business activities.

- c) Some of the types of organizations listed in subsection (a) of this Section are defined by State or federal statutes. The remaining types of organization are terms frequently used in other states' laws to refer to entities engaged in the same businesses as the entities in one or more of the types defined in Illinois or federal law. An entity defined as a bank or a bank holding company, or that is owned by a bank or bank holding company, under subsection (e), (f), or (g) of this Section, is a financial organization regardless of its actual business activities. For any other entity, notwithstanding the title or characterization of the entity for purposes of any other law, if that entity is a "financial organization" for purposes of the IITA only, if that entity is predominantly engaged in a business which is identical in all material respects to the characteristic business of an entity within one or more of the types of organization defined in Illinois or federal law, in order for an entity's business to be identical in all material respects to the business of one of the defined types of organization, the entity must:

- 1) Provide substantially all of the characteristic services provided by entities in the defined type of organization, and
 - 2) Be subject to regulation by the Illinois or federal agency (if any) with authority over entities in the defined type of organization, or by the equivalent authority (if any) established under the laws of the entity's state or country of formation, or of its commercial domicile. However, "sales finance companies," as defined in subsections (d)(10)(A) and (B) of this Section, are not required to be regulated by any state or federal authority.
- d) Application to Defined Types of Financial Organization. This subsection lists the types of financial organization defined in Illinois or federal law and describes the characteristic business of each type as provided in the relevant Illinois or federal statutes. The references to Illinois State and federal statutes and authorities in this subsection shall be construed to refer to any predecessor to

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

the current statute or authority, whenever appropriate.

1) Entities engaged in the business of a "bank." The term "bank" includes any entity described in subsection (e) of this Section. In addition, for purposes of categorizing an entity that does not come within the scope of subsection (e) of this Section, the term "bank" means an entity predominantly engaged in the business activities characteristic of an entity which has been issued a charter by the Commissioner of Banks and Real Estate under 205 ILCS 5/13 or that has been given a certificate of authority to commence banking by the Comptroller of the Currency under 12 USC Section 27. The terms "savings bank," "industrial bank" and "cooperative bank" are sometimes used in the laws of other states to refer to entities engaged in the same business as a "bank" as defined in Illinois or federal law. The term "private banker" means an unincorporated bank, conducted as a partnership of individuals or as an individual proprietorship. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether an entity is engaged in the business of a "bank" for purposes of the IITA shall be made pursuant to the following standards:

- A) Characteristic Services. The Illinois and federal statutes providing for the formation of banks state that the characteristic activities of banks are accepting deposits, making loans, discounting evidences of debt, and buying and selling exchange. (See 205 ILCS 5/3; 12 USC 24; and Section 581 of the Internal Revenue Code.) In order to be engaged in a business identical in all material respects to the business of a "bank," an entity formed under the laws of another state or of a foreign country as a bank, savings bank, industrial bank, or cooperative bank must engage in each of these characteristic financial services of a bank. Thus, for example, an entity that does not accept deposits is not engaged in the business of a bank. For purposes of applying the 80% of gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a bank include:
 - i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
 - ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;
 - iii) fees and gains realized from buying and selling exchange, including foreign currency;
 - iv) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- v) discounts and gains realized on the purchase or resale of loans.

Examples of items of income that are not gross income from the characteristic services of a bank include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; and interest and dividends received from, and gains realized on the sale or exchange of, securities.

B) Regulation. Illinois State banks are subject to regulation by the Commissioner of Banks and Real Estate (see 205 ILCS 5/48), while national banks are subject to regulation by the Comptroller of the Currency (see 12 USC 27(b)(2)). These entities qualify as banks under subsection (e) of this Section regardless of their business activities. In order to qualify as a bank, an entity that is not a bank within the meaning of subsection (e) of this Section must be regulated by the authority (if any) equivalent to the Commissioner of Banks and Real Estate or the Comptroller of the Currency having regulatory jurisdiction within the entity's state or country of formation or commercial domicile.

2) Entities engaged in the business of a "trust company." The term "trust company" means a corporation organized under the laws of the State of Illinois for the purpose of accepting and executing trusts [205 ILCS 620/1-5.1], and that has received a certificate of authority to accept trusts from the Commissioner of Banks and Real Estate under 205 ILCS 620/2-4.

A) Characteristic Services. A trustee performs services as a fiduciary on behalf of the trust's beneficiaries. A trustee is entitled to compensation for expenses incurred on behalf of the trust and to reasonable compensation for services rendered (see 760 ILCS 5/77). Under Illinois law, a trustee may continue an unincorporated business on behalf of the trust in certain circumstances (see 760 ILCS 5/4.23 and 4.24). A trustee may act as an advisor or manager of a mutual fund in which trust funds are invested, without having to reduce or waive its compensation for such services when provided to a trust (see 760 ILCS 5/5-2). However, the trustee is not entitled to any profit from any business it conducts on behalf of a trust or beneficiary, but only to compensation for services rendered to the trust. Accordingly, the gross income from characteristic services of a trust company shall include only trustees' fees or other compensation receivable for services rendered as a trustee on behalf of trusts. Amounts received for services provided other than as a trustee, such as fees received as an advisor or manager of a mutual fund in which trust funds are invested, are not gross income from characteristic

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

services of a trust company.
B) Regulation. A trust company conducting business within Illinois is subject to the Corporate Fiduciary Act [205 ILCS 620]. Some types of regulated entities, such as national banks, are authorized by law to engage in trust activities (see 12 USC 32a). Any entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.

3) Entities engaged in the business of a "savings bank." The term "savings bank" means a taxpayer which is predominantly engaged in the business of an entity that is either chartered as a federal savings bank under the Home Owners' Loan Act (12 USC 1462 and 146(a)) and whose investments comply with the guidelines of 12 USC 1464(c) or of an entity which has been issued a certificate of organization by the Commissioner of Savings and Loan Associations under the Savings Bank Act [205 ILCS 205/3007] and that, as required by 205 ILCS 205/1009, maintains at least 60% of its total assets in qualifying "domestic savings and loan association" assets described in Section 7701(a)(19) of the Internal Revenue Code. The qualifying assets listed in Section 7701(a)(19) are cash, federal and municipal obligations, loans secured by deposits or shares in the lender, residential real estate loans, educational loans, and related investments. The terms "bank," "savings and loan association," "building and loan association," "industrial bank" and "cooperative bank" are sometimes used in the laws of other states to refer to entities engaged in the same business as a "savings bank" as defined in Illinois or federal law. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether the entity is engaged in the business of a "savings bank" for purposes of the ILTA shall be made pursuant to the following standards:

A) Characteristic Services. The business of a savings bank consists principally of acquiring the savings of the public and investing in loans (Section 7701(a)(19)(B) of the Internal Revenue Code). In general, qualifying loans are related to residential real estate. An entity that does not take deposits from the public and invest the deposited funds primarily in qualifying loans to the public is not a savings bank for purposes of the ILTA. For purposes of applying the 80% of gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a savings bank include:

- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
- ii) service charges and early withdrawal or other

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- penalties received in connection with deposit accounts;
- iii) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and
 - iv) discounts and gains realized on the purchase or resale of loans.

Examples of items of income that are not gross income from the characteristic services of a savings bank include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

- B) Regulation. No entity is a savings bank for purposes of the IITA unless it is subject to regulation by the Commissioner of Banks and Real Estate under the Savings Bank Act [205 ICS 205/1003], the Office of Thrift Supervision (12 USC 1461), or the appropriate authority of another state responsible for regulating savings banks.

- 4) Entities engaged in the business of a "land bank." The term "land bank" was defined in federal law to mean a federally chartered association organized to make loans on farm security at low interest rates as governed by 12 USC, ch. 23 (Farm Credit System). Under the Agricultural Credit Act of 1987 (P.L. 100-233), the federal land banks were merged with the Federal Intermediate Credit Banks which had also been created under the Farm Credit System. Under current law, the surviving entities are exempt from state income taxation (see 12 USC 2098).

- A) Characteristic Services. Congress established the federal land banks as cooperatives to encourage farmer and rancher ownership and control over a system of credit for agriculture. The characteristic service of a land bank is making loans to farmers. Gross income from characteristic services of a land bank include application and origination fees, points, interest, late payment fees and other charges received in connection with loans to farmers and ranchers.

- B) Regulation. Federal land banks are not subject to Illinois taxation. A land bank that was not created under federal statute must be subject to any regulation by any authority equivalent to the Farm Credit System regulation as may exist in the state or country of incorporation or commercial domicile of the land bank.

- 5) Entities engaged in the business of a "safe deposit company." The term "safe deposit company" means an entity licensed by the Department of Financial Institutions under the Safety Deposit License Act [240 ICS 5/22] to engage in the business of renting or permitting the use of, for compensation, safety deposit boxes, safes, vaults or other facilities for the safekeeping of personal

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

property (see 240 ICS 5/2). The Safety Deposit License Act does not apply to banks, savings and loans, credit unions, warehouses, or grain storage companies (see 240 ICS 5/3).

- A) Characteristic Services. A safe deposit company provides facilities for the safekeeping of personal property in safes or vaults, as compared to warehouses. Gross income from the characteristic services of a safe deposit company includes rental income or similar charges for safe deposit boxes.

- B) Regulation. Safe deposit companies doing business in Illinois must be licensed by the Department of Financial Institutions. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.

- 6) Entities engaged in the business of a "savings and loan association." The term "savings and loan association" means a federal savings and loan association chartered under the Home Owners' Loan Act of 1933 (12 USC 1462 and 1464(a)) whose investments comply with the guidelines of 12 USC 1464(c) or a savings and loan association organized under the Illinois Savings and Loan Act of 1985 [205 ICS 105/2-6] and whose investments comply with the requirements of 205 ICS 105/5-1 through 5-16. In particular, 205 ICS 105/5-3 provides that savings and loan associations must generally make their assets available to make loans to their members secured by the members' shares or for residential real estate purchase, construction and related matters under 205 ICS 105/5-2. The Internal Revenue Code provides special rules for savings and loan associations, which are defined in Section 7701(a)(19) of the Internal Revenue Code as depository institutions that invest at least 60% of their assets in cash, federal and municipal obligations, loans secured by deposits or shares in the lender, residential real estate loans, educational loans, and related investments. The terms "bank," "savings bank," "building and loan association," and "cooperative bank" are sometimes used in the laws of other states or of other countries to refer to entities engaged in the same business as a "savings and loan association" as defined in Illinois or federal law. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether the entity is engaged in the business of a "savings and loan association" for purposes of the IITA shall be made pursuant to the following standards:

- A) Characteristic Services. The business of a savings and loan association consists principally of acquiring the savings of the public and investing in loans (Section 7701(a)(19)(B) of the Internal Revenue Code). An entity that does not take deposits and invest primarily in qualifying loans is not a savings and loan association for purposes of the IITA. For purposes of applying the gross income test in subsection (b)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

of this Section, examples of gross income from characteristic services of a savings and loan association include:

- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
- ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;
- iii) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and
- iv) discounts and gains realized on the purchase or resale of loans.

Examples of items of income that are not gross income from the characteristic services of a savings and loan association include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

B) Regulation. No entity is a savings and loan association for purposes of the IITA unless it is subject to regulation by the Office of Banks and Real Estate under the Savings Bank Act (205 ILCS 105/7-1), the Office of Thrift Supervision (12 USC 1462), or the appropriate authority (if any) of another state responsible for regulating savings and loan associations.

7) Entities engaged in the business of a "credit union." Federal credit unions that have received a charter under 12 USC 1754 are exempt from state income taxation (see 12 USC 1768). Under present law, only "cooperative, non-profit" credit unions may be incorporated under the Illinois Credit Union Act or permitted to do business in Illinois (see 205 ILCS 305/1-1 (defining "credit union") and 7 (permitting credit unions chartered in other states to do business in Illinois)). Under current law, a credit union doing business in Illinois is most likely exempt from Illinois income tax pursuant to IITA Section 205(a) and 12 USC 301(a) and (c)(14). 12 USC 1751(5) and 205 ILCS 305/2(2)(b) each require an entity applying for permission to organize as a credit union to define the class of persons entitled to membership.

A) Characteristic services. 12 USC 1751(a)(1) provides that a federal credit union is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes and 12 USC 1757(7) requires a federal credit union to invest its funds in loans to its members, bank accounts, government securities and in other credit unions. 205 ILCS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

305/1-1 defines "credit union" to mean a cooperative, non-profit association, incorporated for the purposes of encouraging thrift, creating a source of credit at a reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social conditions, and 205 ILCS 305/59 allows credit unions to invest only in loans to members, bank accounts, government securities and other credit unions. The characteristic services of a credit union involve taking interest-paying deposits from its members and making loans to its members. For purposes of applying the gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a credit union include:

- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans to members; and
- ii) service charges and early withdrawal or other penalties received in connection with deposit accounts.

Examples of items of income that are not gross income from the characteristic services of a credit union include interest and other income from loans to non-members; rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

B) Regulation. In order for an entity to qualify as a credit union, an entity must be subject to regulation by any appropriate authority in the state of organization, and the class of persons entitled to membership in the entity must be defined by law or approved by the appropriate state authority.

8) Entities engaged in the business of a "currency exchange." The term "currency exchange" means an entity licensed by the Director of Financial Institutions under the Currency Exchange Act (205 ILCS 405/4) for purposes of engaging in the business of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money for a consideration or selling or issuing money orders in the entity's own name (205 ILCS 405/1).

A) Characteristic services. Currency exchanges cash checks and other evidences of money for the general public, and may issue money orders. Currency exchanges are not permitted to accept any form of deposit or bailment of money (see 205 ILCS 405/3). The gross income from characteristic services of a currency exchange is the fees or other charges for cashing checks or issuing money orders. Interest or other

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

income earned from investment of funds received from the issuance of money orders during the period between the issuance of a money order and its clearance is not gross income from a characteristic service of a currency exchange. Regulation. A currency exchange doing business in Illinois must be licensed by the Director of Financial Institutions and meet certain bonding requirements to protect its customers. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.

- 9) Entities engaged in the business of a "small loan company." The term "small loan company" means an entity licensed by the Director of Financial Institutions under the Consumer Installment Loan Act [205 ILCS 670/1] for the purpose of making loans in a principal amount not exceeding \$25,000. Small loan companies are required to disclose the terms of their loans pursuant to specific statutory requirements or in conformity with the Federal Truth in Lending Act. (see 205 ILCS 670/16 [referencing 15 USC 1601]). The predecessor of the Consumer Installment Loan Act, the Small Loans Act (Ill. Rev. Stat., ch. 74, par. 27 [1933]), was held to apply only to lenders, and not to persons selling goods or services on a credit or installment basis. (See, e.g., *Wernick v. National Bond and Investment Co.*, 276 Ill. App. 84 [1934].)

A) Characteristic Services. Small loan companies are permitted to make loans not exceeding an aggregate principal amount of \$25,000 to any obligor and for terms not exceeding 121 months. A credit or installment sale of goods or services is not a characteristic service of a small loan company. Gross income from the provision of the characteristic services of a small loan company includes loan application and origination fees, interest, late payment charges and similar amounts realized in connection with loans not exceeding the principal amount of \$25,000 and for terms not exceeding 121 months. Amounts received or accrued in connection with any loan for a principal amount in excess of \$25,000 or for a term in excess of 121 months are not gross income from the provision of the characteristic services of a small loan company. Finally, because 205 ILCS 670/21 provides that the Consumer Installment Loan Act does not apply to persons making loans to business associations or corporations, or to sole proprietors of businesses for the purpose of carrying on or acquiring such businesses, amounts received in connection with such business loans are not gross income from the provision of the characteristic services of a small loan company.

- B) Regulation. A small loan company operating in Illinois must be licensed by the Director of Financial Institutions. An

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state. In all cases, the entity must comply with the regulations issued by the Board of Governors of the Federal Reserve System under the Truth in Lending Act.

- 10) Entities engaged in the business of a "sales finance company." The term "sales finance company" has the meaning provided in subsection d)(10)(A) or (B):

A) Under IFA Section 1501(a)(8)(C)(i), the term "sales finance company" means an entity primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this subsection d)(10)(A), a "customer receivable" means:

i) A retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act [205 ILCS 660/2], the Retail Installment Sales Act [815 ILCS 405/2.6 and 2.7], or the Motor Vehicle Retail Installment Sales Act [815 ILCS 375/2.5];

ii) An installment, charge, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale;

iii) The outstanding balance of a contract or agreement described in subsection d)(10)(A)(i) or (ii) of this Section; or

iv) A loan, or balance under a loan, made by a lender for the express purpose of funding purchases of tangible personal property or services by the borrower.

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller or lender in the original transaction or from or to a person who purchased the customer receivable directly or indirectly from that seller or lender.

Example 1: A manufacturer sells a product to a retailer. Payment is due 7 days after issuing the sales invoice. An account receivable is recorded when the invoice is issued. The receivable would constitute a customer receivable.

Example 2: An entity purchases or otherwise acquires customer receivables or finance leases. The entity sells these customer receivables or finance leases to a third

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

party and enters into an agreement to service such receivables or finance leases in exchange for a fee. The purchase, sale and/or servicing of such receivables or finance leases is a business of a "sales finance company."

B) Under IFTA Section 150(a)(6)(C)(ii), the term "sales finance company" also means a corporation meeting each of the following criteria:

- i) The corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code.
- ii) More than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated group times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group.
- iii) The total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and
- iv) More than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

Example 2: In connection with the conduct of its business, A

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Corporation either originates customer receivables (as defined in subsection (d)(10)(A) of this Section), or is transferred customer receivables from one or more of its affiliates. B Corporation, a wholly-owned subsidiary of A and a member of its affiliated group, conducts business exclusively in State X, its commercial domicile. B issues commercial paper and other debt obligations and uses the proceeds to make loans to A or other members of the affiliated group. B Corporation derives more than 50% of its gross income from interest on making "qualifying loans" to A or other members of the affiliated group. Assuming B also meets the tests in subsections (d)(10)(B)(iii) and (iv) of this Section, B would constitute a "sales finance company" as defined in IFTA Section 150(a)(8)(C)(ii).

C) Characteristic Services. A "sales finance company" is defined by its characteristic services in subsections (d)(10)(A) and (B) of this Section. A company satisfies the primary test of subsection (d)(10)(A) of this Section if more than 50% of its gross income is from its characteristic services.

D) Regulation. There is no requirement that a sales finance company that meets the definition provided in subsection (d)(10)(A) or (B) of this Section be subject to license or regulation by any state or federal authority.

E) The term "bank" includes the following entities, regardless of whether the entity is engaged in the characteristic business of a bank as described in subsection (d)(1) of this Section. An entity described in this subsection (e) is a bank even if it qualifies as a financial organization under one of the provisions of subsection (d) of this Section:

- i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation;
- A) An entity regulated by the Comptroller of the Currency under the National Bank Act means a national banking association formed under 12 USC 21;
- B) An entity regulated by the Federal Reserve Board means a member of the Federal Reserve System under the provisions of 12 USC 222 or 12 USC 321;
- C) An entity regulated by the Federal Deposit Insurance Corporation means an insured depository institution under 12 USC 181a;
- 2) any federally or State chartered bank operating as a credit card bank. A "credit card bank" is the common term for an entity that comes within the definition of "bank" for purposes of the Bank Holding Company Act of 1956 (12 USC 1841(c)(1)), but which is excluded from being treated as a bank under 12 USC 1841(c)(2)(F).
- f) Entities engaged in the business of a "bank holding company." The

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

term "bank holding company" means an entity that directly or indirectly owns, controls or has power to vote 25% or more of any class of voting securities of any bank or of any other bank holding company (see 12 USC 1841(a)), and which is registered with the Board of Governors of the Federal Reserve System under Section 1844(a) of the Bank Holding Company Act of 1956 (12 USC 1844(a)).

- g) Special Rule for Persons Owned by a Bank or Bank Holding Company. The term "financial organization" under the Illinois Income Tax Act includes any person that is owned by a bank (within the meaning of subsection (d)(1) of this Section or subsection (e) of this Section) or by a bank holding company (within the meaning of subsection (f) of this Section). For purposes of this provision, the term "person" includes only those persons in which a bank holding company may acquire and hold an interest, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 USC 1841) and Regulation 1 promulgated thereunder by the Board of Governors of the Federal Reserve System (12 CFR 225), and does not include any person that must be disposed of within certain required time limits under the Bank Holding Company Act of 1956. Under this provision, an entity that would not otherwise be a "financial organization" is deemed to be a financial organization for any period during which it is owned by a bank or bank holding company. For example, prior to the enactment of Public Law 106-102, 12 USC 1843(c)(8) authorized bank holding companies to own insurance companies in certain circumstances. 12 USC 1843(c)(8) allows a bank holding company that owned an insurance company prior to November 12, 1999, to continue to own that insurance company. An insurance company owned by a bank holding company is a "financial organization" for purposes of the ITRA, even though the insurance company would not otherwise be a financial organization. The fact that an entity that is not owned by a bank holding company would be a financial organization under this provision if it were owned by a bank holding company, or that the entity in the past may have been owned by a bank holding company and therefore characterized as a financial organization, is irrelevant to the determination of whether the entity is a financial organization.

- b) Effective dates and elections. Public Act 89-711 amended the definition of "financial organization" in ITA Section 1501(a)(8) by adding the definition of "bank" in ITA Section 1501(a)(8)(B) and the definition of "sales finance company" in ITA Section 1501(a)(8)(C).

- 1) Application of ITA Section 1501(a)(8) to taxable years beginning on or before December 31, 1996. The General Assembly declared in ITA Section 1501(a)(8)(D) that the definitions of the terms "bank" and "sales finance company" in ITA Sections 1501(a)(8)(B) and (C) are declaratory of existing law and apply retroactively for all tax years beginning on or before December 31, 1996. No other definitions were changed. Accordingly, except as provided in this subsection (h), the interpretations of the statutory definitions contained in subsections (a) through (g) apply

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

For taxable years beginning on or before December 31, 1996.

- 2) Public Act 89-711 provides that the definitions of "bank" and "sales finance company" shall apply to all original returns; to all amended returns filed within 30 days after the effective date of the Act; to all math error notices issued by the Department under ITA Section 903(a); to all Notices of Deficiency issued by the Department under ITA Section 904(a); to all notices of denial of refund claims issued under ITA Section 909(e); and to all assessments of erroneous refunds made under ITA Section 912.

- A) Public Act 89-711 imposes no time limit for the filing of an original return applying its provisions to taxable years beginning on or prior to December 31, 1996. Accordingly, taxpayers may file original returns claiming financial organization status under the amended definitions of "bank" and "sales finance company" at any time, provided that such returns are filed within the applicable statute of limitations period and meet all other relevant requirements of the ITRA.

- B) Taxpayers required to file amended returns in order to claim financial organization status for a taxable year beginning on or prior to December 31, 1996, were required to do so on or before March 17, 1997, which was 30 days after the enactment of Public Act 89-711.

- C) In the case of a taxpayer that had claimed financial organization status on an original or amended return and whose status as a financial organization was denied by the Department, ITA Section 1501(a)(8)(D) provides that the amended definitions of "bank" and "sales finance company" apply to the Notice of Deficiency or notice of denial of refund claim issued by the Department after review of such return.

- 1) If the Notice of Deficiency or notice of denial has not become final, a taxpayer with a matter pending before the Office of Administrative Hearings of the Illinois Department of Revenue for a particular taxable year may raise as an issue the taxpayer's status as a "bank" or "sales finance company" by the making of a motion in conformance with the rules on motion practice as set forth in 86 Ill. Adm. Code 200.185.

- ii) If the Notice of Deficiency or notice of denial has become final, and the taxpayer is not contesting the Department's action in the courts under the Administrative Review Law (735 ILCS 5/Act. III) or the State Officers and Employees Money Disposition Act (30 ILCS 230), the taxpayer must have filed a timely amended return as set forth in subsection (b)(2)(B) of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

this Section in order to assert a claim that it qualifies as a "bank" or "sales finance company" under the amended definitions.

- iii) A taxpayer with a matter pending before the courts of this State for a particular taxable year must request treatment as a "bank" or "sales finance company" by the making of a motion in conformance with the rules of the court.

- 3) Election under IFTA. Section 1501(a)(8)(E). IFTA. Section 1501(a)(8)(E) provides that, for all taxable years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a financial organization... under Section 1501(a)(8)(B) or (C) of the IFTA, but who does not fall within the definition of a financial organization under the Proposed Regulations issued by the Department of Revenue on July 19, 1996 (20 Ill. Reg. 9488) may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years.

- A) In order to support a claim for refund, the election must have been filed by March 17, 1997. Procedures for making an election which would support a claim for refund were published in Emergency Rule 100.9710 (21 Ill. Reg. 2969).

- B) A taxpayer who has filed an original or amended return for any taxable year beginning on or before December 31, 1996, as a non-financial organization and that wishes to elect to be bound by the July 19, 1996, proposed rules solely for the purpose of preserving its return position, and not for purposes of claiming a refund for any year, may file an election document meeting the following requirements:

- i) The election document must state on the first page "Financial Organization Election to Apply Proposed Rules Under Public Act 93-711 -- No Refund Claim."

- ii) The election document must be filed prior to the issuance of any Notice of Deficiency or notice of claim denial that is based in whole or in part on the retroactive application of Public Act 93-711 to treat the taxpayer as a financial organization.

- iii) The election document must list all members of the unitary business group to whom the election applies. The election shall be binding on all such members, whether or not listed, and the Department may enforce such election against such members. In addition, no refund claimed after the effective date of Public Act 93-711 shall be allowed to the extent such refund results from the application of the July 19, 1996, proposed rules to any such member.

- C) All elections to apply the July 19, 1996, proposed rules,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

whether made by amended return or by an election document, shall be sent to the following address:

Deputy General Counsel - Income Tax
Legal Services Office - Room 5-500
Illinois Department of Revenue
P.O. Box 19014
Springfield, Illinois 62794-9014

- D) Effect of election.

- i) Effect on "banks" as defined in IFTA. Section 1501(a)(8)(B). Public Act 89-711 expanded the definition of the term "bank" to include entities described in subsection (e) of this Section, without regard to the actual business activities of the entity. A taxpayer governed by an election under this subsection (b) must be engaged in the business of a bank as described in subsection (d)(1) of this Section in order to be characterized as a bank. For example, under IFTA Section 1501(a)(8)(B), a "credit card bank" is characterized as a "bank" even though a credit card bank is prohibited from accepting deposits from the public. A credit card bank governed by an election under this subsection (b) therefore cannot be a "bank" under subsection (d)(1) of this Section. Note, however, that a credit card bank governed by such an election may qualify as a financial organization under some other provision of this Section. In particular, a credit card bank may be engaged in the business of a sales finance company as defined in subsection (i)(3)(D)(ii) of this Section. Effect on "sales finance companies" as defined in IFTA. Section 1501(a)(8)(C). Public Act 89-711 expanded the definition of "sales finance company" to include entities that buy, or make loans secured by, installment agreements or charge agreements of corporations and businesses and to include entities which are primarily engaged in the business of a sales finance company. An entity governed by an election under this subsection (h) will be a sales finance company only if: it is engaged in the business of buying, or making loans secured by, installment agreements and charge agreements arising from retail purchases for personal, family or household use; more than 80% of its gross income is derived from transactions characteristic of a financial organization; and it meets the other requirements of subsection (d)(10) of this Section.

ii)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

iii) An election made under Section 1501(a)(8)(E) applies only to taxable years beginning on or before December 31, 1996. For all subsequent taxable years, the provisions of Section 1501(a)(8) as amended in Public Act 89-711 and interpreted in subsections (a) through (h) of this Section shall apply.

iv) Section 1501(a)(8)(E) provides that the election applies to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of the IITA. An election made by one or more such members is binding on all such members, whether or not they expressly joined in the election, and the Department may enforce such election either directly or by offsetting any refund payable to the taxpayer as the result of the election by any underpayment of any other taxpayer to whom such election also applies to the extent such underpayment results from the making of the election.

Effective January 1, 1997, the definition of the term "sales finance company" in the definition of the term "sales finance company" in Public Act 89-711, as amended in Public Act 90-535, shall apply to all original returns; to all amended returns; to all notices issued by the Department under IITA Section 904(a); to all Notices of Denial of refund claims issued under IITA Section 909(e); and to all notices of erroneous refunds made under IITA Section 912.

A) Public Act 91-535 imposes no time limit for the filing of an original or amended return applying its provisions to a particular taxable year. Accordingly, taxpayers may file original or amended returns claiming financial organization status under the amended definition of "sales finance company" at any time, provided that such returns are filed within the applicable statute of limitations period and meet all other relevant requirements of the IITA.

B) In the case of a taxpayer that had claimed financial organization status on an original or amended return and whose status as a financial organization was denied by the Department:

i) If the Notice of Deficiency or Notice of Denial has not become final, a taxpayer with a matter pending before the Office of Administrative Hearings of the Illinois Department of Revenue for a particular

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

taxable year may raise as an issue the taxpayer's status as a "sales finance company" by making of a motion in conformance with the rules on motion practice as set forth in Section 100.185 of this Part.

ii) If the Notice of Deficiency or Notice of Denial has become final, and the taxpayer is not contesting the Department's action in the courts under the Administrative Review law [735 ILCS 5/Art. III] or the State Officers and Employees Money Disposition Act [30 ILCS 230], the taxpayer must have filed a timely amended return as set forth in subsection (b)(2)(B) of this Section in order to assert a claim that it qualifies as a "sales finance company" under the amended definition.

iii) A taxpayer with a matter pending before the courts of this State for a particular taxable year must request treatment as a "sales finance company" by the making of a motion in conformance with the rules of the court.

(Source: Added (Source: MAR 15 7/00) at 25 Ill. Reg. 4640 --, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.325
Amendment
130.901
- 4) Statutory Authority: 35 ILCS 120
- 5) Effective Date of Amendments: March 15, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Section 130.325 - 09/29/00, 24 Ill. Reg. 14395 and Section 130.901 - 11/13/00, 24 Ill. Reg. 16573
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|------------------------------|
| 130.330 | Amendment | 05/26/00, 24 Ill. Reg. 7617 |
| 130.101 | Amendment | 11/17/00, 24 Ill. Reg. 16986 |
| 130.540 | Amendment | 11/17/00, 24 Ill. Reg. 16986 |
| 130.350 | Amendment | 12/15/00, 24 Ill. Reg. 17948 |
| 130.535 | Amendment | 12/22/00, 24 Ill. Reg. 18505 |
| 130.2125 | Amendment | 12/22/00, 24 Ill. Reg. 18505 |
| 130.401 | Amendment | 01/05/01, 25 Ill. Reg. 19030 |
| 130.110 | Amendment | 01/05/01, 25 Ill. Reg. 19030 |
| 130.2105 | Amendment | 01/12/01, 25 Ill. Reg. 386 |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 130.120 Amendment 01/26/01, 25 Ill. Reg. 1169
- 130.2011 Amendment 01/26/01, 25 Ill. Reg. 1169
- 130.2012 Amendment 01/26/01, 25 Ill. Reg. 1169
- 130.1501 Amendment 02/09/01, 25 Ill. Reg. 2325
- 130.2004 New Section 02/16/01, 25 Ill. Reg. 2676
- 15) Summary and Purpose of Amendments: The amendments to Section 130.325 implement the provisions of Public Act 91-541, which redefined the term "graphic arts production" for purposes of the graphic arts machinery and equipment exemption. The regulation specifies that the term, "graphic arts production" means printing, including ink jet printing, by one or more of the processes described in various subsectors and specific groups of the North American Industry Classification System. The regulation describes the activities that comprise graphic arts production, and provides examples of qualifying equipment used in those processes. It also provides examples of activities that are not considered to be graphic arts production, as well as of non-qualifying equipment. The amendments to Section 130.901 correct references to the Uniform Penalty and Interest Act and regulations thereunder to reflect amendments to the Act and regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Jerilynn T. Gorden
Senior Counsel - Sales and Excise Tax
Dana Deen Kinion
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

| Section | |
|---------|--|
| 130.101 | Character and Rate of Tax |
| 130.105 | Responsibility of Trustees, Receivers, Executors or Administrators |
| 130.110 | Occasional Sales |
| 130.111 | Sale of Used Motor Vehicles by Leasing or Rental Business |
| 130.115 | Habitual Sales |
| 130.120 | Non taxable Transactions |

SUBPART B: SALE AT RETAIL

| Section | |
|---------|---|
| 130.201 | The Test of a Sale at Retail |
| 130.205 | Sales for Transfer Incident to Service |
| 130.210 | Sales of Tangible Personal Property to Purchasers for Resale |
| 130.215 | Further Illustrations of Sales for Use or Consumption Versus Sales for Resale |
| 130.220 | Sales to Lessors of Tangible Personal Property |
| 130.225 | Drop Shipments |

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

| Section | |
|---------|--|
| 130.305 | Farm Machinery and Equipment |
| 130.310 | Food, Drugs, Medicines and Medical Appliances |
| 130.315 | Fuel Sold for Use in Vessels on Rivers Bordering Illinois |
| 130.320 | Gasohol |
| 130.321 | Fuel Used by Air Common Carriers in International Flights |
| 130.325 | Graphic Arts Machinery and Equipment Exemption |
| 130.330 | Manufacturing Machinery and Equipment |
| 130.331 | Manufacturer's Purchase Credit |
| 130.332 | Automatic Vending Machines that Dispense Hot Food or Beverages |
| 130.335 | Pollution Control Facilities |
| 130.340 | Rolling Stock |
| 130.345 | Oil Field Exploration, Drilling and Production Equipment |
| 130.350 | Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment |
| 130.351 | Aggregate Manufacturing |

SUBPART D: GROSS RECEIPTS

| Section | |
|---------|--|
| 130.701 | |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

| Section | |
|---------|--|
| 130.401 | Meaning of Gross Receipts |
| 130.405 | How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser |
| 130.410 | Cost of Doing Business Not Deductible |
| 130.415 | Transportation and Delivery Charges |
| 130.420 | Finance or Interest Charges--Penalties--Discounts |
| 130.425 | Traded-In Property |
| 130.430 | Deposit or Prepayment on Purchase Price |
| 130.435 | State and Local Taxes Other Than Retailers' Occupation Tax |
| 130.440 | Penalties |
| 130.445 | Federal Taxes |
| 130.450 | Installation, Alteration and Special Service Charges |
| 130.455 | Motor Vehicle Leasing and Trade-In Allowances |

SUBPART E: RETURNS

| Section | |
|---------|---|
| 130.501 | Monthly Tax Returns--When Due--Contents |
| 130.502 | Quarterly Tax Returns |
| 130.505 | Returns and How to Prepare |
| 130.510 | Annual Tax Returns |
| 130.515 | First Return |
| 130.520 | Final Returns When Business is Discontinued |
| 130.525 | Who May Sign Returns |
| 130.530 | Returns Covering More Than One Location |
| 130.535 | Registration--Separate Returns for Separately Registered Locations |
| 130.540 | Payment of the Tax, Including Quarter Monthly Payments in Certain Instances |
| 130.545 | Returns on a Transaction by Transaction Basis |
| 130.550 | Registrants Must File a Return for Every Return Period |
| 130.555 | Filing of Returns for Retailers by Suppliers Under Certain Circumstances |
| 130.551 | Prepayment of Retailers' Occupation Tax on Motor Fuel |
| 130.555 | Vending Machine Information Returns |
| 130.560 | Verification of Returns |

SUBPART F: INTERSTATE COMMERCE

| Section | |
|---------|---|
| 130.601 | Preliminary Comments |
| 130.605 | Sales of Property Originating in Illinois |
| 130.610 | Sales of Property Originating in Other States |

SUBPART G: CERTIFICATE OF REGISTRATION

| Section | |
|---------|--|
| 130.701 | General Information on Obtaining a Certificate of Registration |

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements

130.710 Procedure When Security Must be Forfeited

130.715 Sub-Certificates of Registration

130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances

130.725 Display

130.730 Replacement of Certificate

130.735 Certificate Not Transferable

130.740 Certificate Required For Mobile Vending Units

130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section

130.801

130.805

130.810

130.815

130.820

130.825

General Requirements

What Records Constitute Minimum Requirement

Records Required to Support Deductions

Preservation and Retention of Records

Preservation of Books During Pendency of Assessment Proceedings

Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Civil Penalties

Interest

Criminal Penalties

SUBPART J: BINDING OPINIONS

When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

130.1101

130.1105

130.1110

Definition of Federal Area

When Deliveries on Federal Areas Are Taxable

No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

130.1201

130.1205

General Information

Due Date that Falls on Saturday, Sunday or a Holiday

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

130.1301

130.1305

130.1310

When Lessee of Premises Must File Return for Leased Department

When Lessor of Premises Should File Return for Business Operated on Leased Premises

Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

130.1401

130.1405

130.1410

130.1415

130.1420

Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale

Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale (Repealed)

Requirements for Certificates of Resale (Repealed)

Resale Number—When Required and How Obtained

Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

130.1501

130.1505

130.1510

130.1515

Claims for Credit—Limitations—Procedure

Disposition of Credit Memoranda by Holders Thereof

Refunds

Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section

130.1601

130.1605

130.1610

When Returns are Required After a Business is Discontinued

When Returns Are Not Required After Discontinuation of a Business

Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

130.1701

Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

130.1801

130.1805

130.1810

When Powers of Attorney May be Given

Filing of Power of Attorney With Department

Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1906 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
 130.1910 Stamps and Like Articles
 130.1915 Auctioneers and Agents
 130.1920 Barbers and Beauty Shop Operators
 130.1925 Blacksmiths
 130.1930 Chiroprodists, Osteopaths and Chiropractors
 130.1935 Computer Software
 130.1940 Construction Contractors and Real Estate Developers
 130.1945 Co-operative Associations
 130.1950 Dentists
 130.1951 Enterprise Zones
 130.1952 Sales of Building Materials to a High Impact Business
 130.1955 Farm Chemicals
 130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts
 130.1965 Florists and Nurserymen
 130.1970 Hatcheries
 130.1971 Sellers of Pets and the Like
 130.1975 Operators of Games of Chance and Their Suppliers
 130.1980 Optometrists and Opticians
 130.1985 Pawnbrokers
 130.1990 Peddlers, Hawkers and Itinerant Vendors
 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2020 Physicians and Surgeons
 130.2025 Picture-Framers
 130.2030 Public Amusement places
 130.2035 Registered Pharmacists and Druggists
 130.2040 Retailers of Clothing
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Shows, Flea Markets and the Like
 130.2050 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
 130.2090 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and Special Order Items
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen

ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980;

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15222, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 1614, effective ~~April 11, 2001~~.

Section 130.325 Graphic Arts Machinery and Equipment Exemption

- a) General. Notwithstanding the fact that sales may be at retail, the Retailers' Occupation Tax does not apply to the sale of machinery and equipment, including repair and replacement parts, both new and used and including that manufactured on special order to be used primarily in graphic arts production. The exemption extends to purchases by lessors who will lease the property for use primarily in graphic arts production. Taxpayers must certify the use of the equipment they are purchasing to their suppliers. (See subsection (i) of this Section.)
- b) Graphic Arts Production. Provisions effective August 13, 1999:
- 1) Graphic arts production has the following meanings and applications:
 - A) Graphic arts production means printing, including ink jet printing, by one or more of the processes described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 of the North American Industry Classification System ("NAICS") published by the U.S. Office of Management and Budget, 1997 edition (no subsequent amendments or editions are included). Graphic arts production does not include the transfer of images onto paper or other tangible personal property by means of photocopying or final printed products in electronic or audio form, including the production of software or audio-books. (Section 2-30 of the Act) Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 include printing upon apparel and textile products, paper, metal, glass, plastics, and other materials except fabric (grey goods). Printing upon grey goods is part of the process of finishing fabric and is included in the NAICS Textile Mills subsector in Industry 3131, Textile and Fabric Finishing Mills.
 - B) The North American Industry Classification System referenced in subsection (b)(1) can be obtained from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (Phone: 1-800-553-6847). The Department also maintains a copy of this information, which may be obtained upon request and at cost, from the Legal Services Office, 5-500, 101 West Jefferson Street, Springfield, Illinois 62794.
 - C) The exemption applies to machinery and equipment used in graphic arts production processes, as those processes are described in the NAICS. While the NAICS subsectors referenced in subsection (b)(1)(A) describe types of graphic

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

arts establishments that typically engage in graphic arts production, the exemption is not limited to qualifying machinery and equipment used by the establishments described in the NAICS, but rather, to qualifying machinery and equipment used in the printing processes described in the NAICS (for example, lithography, gravure, flexography, screen printing, quick printing, digital printing and trade services). The tangible personal property produced by graphic arts production need not be sold at retail in order for the exemption to apply. For instance, a company's produce its own printed materials qualifies for the purchase of qualifying graphic arts equipment used to produce them, even though the company is not in the business of selling printed materials at retail.

D) The exemption includes printing by methods of engraving, letterpress, lithography, gravure, flexography, screen, quick, and digital printing. It also includes the printing of manifold business forms, blankbooks, looseleaf binders, books, periodicals and newspapers. Included in the exemption are prepress services described in Subsector 323122 of the NAICS (e.g., the creation and preparation of negative or positive film from which plates are produced, plate production, cylinder engraving, typesetting and imagesetting). The exemption also includes trade binding and related printing support activities set forth in Subsector 323121 of the NAICS (e.g., tradebinding, sample mounting and postpress services, such as book or paper bronzing, edging, embossing, folding, gluing, die cutting, finishing, tabbing and indexing).

E) "Digital printing and quick printing" mean the printing of graphical text or images by a process utilizing digital technology, as provided in subsection (b)(4) of this Section. It also includes the printing of what is commonly known as "digital photography" (e.g., use of a qualifying integrated computer and printer system to print a digital image). The exemption extends only to machinery and equipment, including repair and replacement parts, used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.

2) Machinery means major mechanical machines or major components of such machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

A) The exemption does not include hand tools, supplies such as rags, lubricants, adhesives, solvents, ink, dyes, chemicals, negatives, acids or solutions, fuels, electricity and steam or water. The exemption also does not include items of personal apparel, such as gloves, shoes, glasses, goggles, coveralls, aprons, and masks.

B) This exemption does not include the sale of materials to a purchaser who manufactures those materials into an otherwise exempted type of graphic arts machinery or equipment.

C) Machinery and equipment does not include foundations or special purpose buildings to house or support graphic arts machinery and equipment.

D) Machinery and equipment does not include computer software unless purchased preinstalled in qualifying computer equipment. Computer software not purchased preinstalled in qualifying computer equipment, including upgrades or new software, is subject to tax.

3) Primary use. The law requires that machinery and equipment be used primarily in graphic arts production.

A) Therefore, machinery that is used primarily in an exempt process and partially in a nonexempt manner would qualify for the exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the exemption.

B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.

4) By way of illustration and not limitation, the following activities will generally be considered graphic arts production:

A) Prepress or preliminary processes. Prepress or preliminary processes include the steps required to transform an original into a state that is ready for reproduction by printing. Prepress or preliminary processes include typesetting, film production, color separation, final photocomposition (e.g., image assembly and imposition (stripping)), and platemaking. Prepress or preliminary processes include the manipulation of images or text in preparation for printing for the purpose of conforming those images to the specific requirements of the printing process being utilized. For example, the images must be conformed for a specific signature layout and formatted to a specific paper size. In addition, colors must be calibrated to the specific type of paper or printing process utilized, so that they conform to customer specifications. Prepress or

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

preliminary processes do not, however, include the creation or artistic enhancement of images that will later be reproduced in printed form by a graphic arts process. For example, the creation of an advertisement pursuant to customer direction, or enhancement of a photograph received from a customer by adding a border, text or rearranging the placement of images in the photograph, is not the performance of a qualifying process or preliminary process. Press or preliminary processes can be performed at the printing facility, a separate press or preliminary facility, the customer's location, or other location. The following are examples of equipment used in qualifying press or preliminary activities:

- i) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives used in the production of plates; film processors; scanners; impositors; RIP (raster image processor) equipment; proofing equipment; imagesetters, plate processors, heliograph and computer-to-plate and computer-to-press equipment.
- ii) Computers that qualify include computers used primarily to receive, store and manipulate images to conform them to the requirements of a specific printing process that will later be performed. Computers used in connection with what is commonly referred to as "digital photography" will qualify if used primarily to format the graphic image that will be printed (e.g., used to format the size and layout of images to be printed). If such computers are primarily used, however, to apply background colors, borders or other artistic enhancements, or to view and select particular digital images to be printed, they will not qualify for the exemption.
- iii) Digital cameras do not qualify if they are used primarily to create an original image that will later be reproduced by a graphic arts process.
- iv) Servers used primarily to transfer images and text to qualifying equipment qualify, but do not qualify if used primarily in a non-exempt activity (for example, servers used to maintain an in-house email system).
- v) Scanners used primarily to input previously created images or text that will be reproduced by a graphic arts process qualify for the exemption.
- vi) The transfer of images or text from computers, plates, cylinders or blankets to paper or other stock to be printed. This process begins when paper is introduced on the press. Examples of qualifying equipment used in this activity include printing plates, printing presses, blankets and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

rollers, automatic blanket washers, scorers and dies, folders, punchers, stackers, strappers used in the pressroom for signatures, dryers, chillers and cooling towers. Laser or ink jet printers used to print on paper or other stock are also included in this exemption.

- i) Equipment used to handle or convey printed materials between production stations in an integrated on-line graphic arts process is included in the exemption (e.g., a forklift or bindery cart will qualify for the exemption if it is primarily used to convey book covers that have been printed and cut to binding and finishing equipment).
- ii) Computer equipment used to operate exempt graphic arts equipment also qualifies for the exemption.
- iii) Equipment, such as transformers, used primarily to provide power to qualifying printing presses or bindery lines, qualifies for the exemption. Similarly, heating and cooling machinery or equipment used to produce an environment necessary for the production of printed material qualifies for the exemption. For example, humidity-control equipment used to reduce static during the printing process qualifies for the exemption.
- C) Activities involving the binding, collating or finishing of the graphic arts product. Equipment used in these activities includes, for instance, binders, packers, gatherers, joggers, trimmers, selectronic equipment, blow-in card feeders, inserters, stitchers, gluers, spiral binders, addressing machines, labelers and ink-jet printers.
- i) Machinery or equipment used to convey materials to packaging areas after the graphic arts product has been printed, bound and finished qualifies for the exemption. Such equipment includes, for instance, conveyor systems, hoists or other conveyance mechanisms used to direct the final printed product into packaging areas.
- ii) Machinery or equipment used to package materials after the graphic arts product has been printed, bound and finished qualifies for the exemption. Such packaging equipment includes, for instance, cartoning systems, palletizers, stretch wrappers, strappers, shrink tunnels and similar equipment.
- 5) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:
 - A) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment. This includes hand tools, welding tools, racks, and other

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- machinery and equipment used in the maintenance area.
- B) The use of machinery and equipment (e.g., fork lifts, roll clamps and roll grabbers) to convey raw materials to the press does not qualify for the exemption.
- C) The use of machinery or equipment to convey materials to final storage or shipping areas. Such equipment includes, for instance, fork lifts used primarily to place the packaged printed product into final storage or shipping areas.
- D) The use of machinery or equipment to gather information, track jobs or to perform data-related functions prior to a qualifying prepress activity (e.g., computers used primarily to edit or create text, data, or other copy). Such equipment includes items such as inventory tracking devices and bar-code readers.
- E) The use of machinery or equipment to photocopy printed matter. A copier that is capable of printing images or text transmitted to it in digital form will qualify. However, a copier that produces photocopies by means of xerographic technology is subject to tax.
- F) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, marketing, or personnel recruitment, selection or training. Waste disposal equipment (e.g., equipment used to contain and recapture paper dust) does not qualify for the exemption. However, for information regarding the pollution control exemption, see Section 130.335 of this Part. Similarly, baling equipment used to recycle paper waste does not qualify under this exemption. However, the manufacturing machinery and equipment exemption may be applicable. (See Section 130.330 of this Part.)
- G) The use of machinery and equipment to prevent or fight fires or to protect employees, such as protective masks, respirators, first-aid kits, gloves, coveralls and goggles, or for safety, accident protection or first-aid, even though that machinery or equipment may be required by federal, State or local law.
- H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, except when the machinery or equipment is used to produce an environment necessary for the production of printed material.
- 6) An item of machinery or equipment that initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life and is converted to

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- primarily nonexempt uses will become subject to the tax at the time of the conversion. The tax will be collected on that portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.
- 7) Sales to Lessors of Graphic Arts Equipment. The statute provides for the purchase of Graphic Arts machinery and equipment by lessors who will lease that machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to a purchaser-lessee will be exempt from tax. A supplier may exclude these sales from his taxable gross receipts provided that the purchaser-lessee provides to him a properly completed exemption certificate and the information contained in the certificate would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessee subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessee will become liable for the tax from which he was previously exempted.
- 8) Exemption Certification. Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain the certificates in their books and records. The use of blanket certificates of exemption will be permitted. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production. So long as the retailer obtains a certificate of exemption that contains all the information required in this subsection (b)(18), the retailer need not verify that the equipment he sells is actually used as graphic arts production equipment. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his records to support the deduction taken on the return.
- c) Graphic Arts Production. Provisions in effect until August 13, 1999:
- 1) *Graphic arts production means printing by one or more of the common processes or graphic arts production services as those processes and services are defined in Major Group 27 of the U.S. Standard Industrial Classification Manual.* (Section 2-30 of the Act) The exemption includes printing by letterpress, lithography, gravure, screen, engraving and flexography and includes such printing trade services as typesetting, negative production, plate production, bookbinding, finishing, looseleaf binder production and other services set forth in Major Group 27. The exemption extends only to machinery and equipment used in the act of production. Accordingly, no other type or kind of tangible

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.

- 2) Machinery means major mechanical machines or major components of such machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment or parts of machinery. The exemption does not include hand tools, supplies, lubricants, adhesives or solvents, ink, chemicals, dyes, acids or solutions, fuels, electricity, steam or water, items of personal apparel such as gloves, shoes, glasses, goggles, coveralls, aprons, and masks, or such items as negatives, one-time use printing plates as opposed to multiple use cylinders or lithographic plates, dies, etc. which are expendable supplies. This exemption does not include the sale of materials to a purchaser who manufactures such materials into an otherwise exempted type of graphic arts machinery or equipment.
- 3) Machinery and equipment does not include foundations for or special purpose buildings to house or support graphic arts machinery and equipment.
- 4) Primary use.

A) The law requires that machinery and equipment be used primarily in graphic arts production. Therefore, machinery which is used primarily in an exempt process and partially in a nonexempt manner, would qualify for the exemption. However, the purchaser must be able to establish adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the deduction.

B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.

C) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:

- i) Machinery and equipment to directly produce typesetting, negatives and plates including final photo-composition and color separation processes.
- ii) The use of machinery and equipment to transfer images or text from type or plates or image carriers to paper or other stock to be printed.
- iii) Equipment to collate, bind or finish the graphic arts product covered in subsection (c)(2), above.
- iv) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

used in the production of plates.

- D) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:

- i) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment.
- ii) The use of machinery or equipment to store, convey, handle or transport materials.
- iii) The use of machinery or equipment to place the printed product in the container package or wrapping in which such property is normally sold to the ultimate consumer thereof.
- iv) The use of machinery or equipment to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other date-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier.
- v) Xerographic or photocopying machines do not qualify for the exemption.
- vi) Word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production.
- vii) Computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer which generates an image which may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system which produces printing cylinders and computer-controlled digital typesetting equipment would qualify.
- viii) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including disposal of waste, inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training.
- ix) The use of machinery and equipment to prevent or fight fires or to protect employees, such as protective masks, gloves, coveralls and goggles or for safety, accident protection or first-aid even though such machinery or equipment may be required by law.
- x) The use of machinery or equipment for general

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

ventilation, heating, cooling, climate control or general illumination.

E) An item of machinery or equipment which initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses, will become subject to the tax at the time of the conversion. Such tax will be collected on such portion of the purchase price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.

5) Sales to Lessors of Graphic Arts Equipment.

The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease such machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessee will be exempt from tax. A supplier may exclude such sales from his taxable gross receipts provided that the purchaser-lessee provides to him a properly completed exemption certificate and the information contained therein would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessee subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessee will become liable for the tax from which he was previously exempted.

6) Exemption Certification.

Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain such certificates in their books and records. The use of blanket certificates of exemption will be permitted. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his records to support the deduction taken on the return. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production.

7) For the purpose of determining the portion of the proceeds or cost which may be excluded from tax, a sale of property will be deemed to be made as of the date of delivery of such property. If a single sale of property is made which calls for multiple deliveries unrelated to payments and a portion of the sold property is delivered when one fraction of the proceeds or cost is excludable and the remainder of the property is delivered when a different fraction of the proceeds or cost is excludable, the earliest date of delivery of any of the property will determine

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

the portion of the proceeds or cost of the entire sale which may be excluded in computing the tax which is due on that entire sale. However, even when a contract provides for multiple deliveries, if a payment is closely related in time and quantity to the property delivered, the date of each delivery will determine the portion of the proceeds or cost which may be excluded in computing the tax that is due on that payment.

(Source: Amended at 25 Ill. Reg. 467 1/4, effective March 3, 1991)

SUBPART I: PENALTIES AND INTEREST

Section 130.901 Civil Penalties

Beginning January 1, 1994, the Uniform Penalty and Interest Act [35 ILCS 735] applies to civil penalties imposed for violations of the Retailers' Occupation Tax Act or of any regulation of the Department issued pursuant to that Act. (See 86 Ill. Adm. Code 700 for explanations and examples of the application of these penalties.) The Retailers' Occupation Tax Act provided the following penalties for violations of the Act or of any Regulation of the Department issued pursuant thereto prior to January 1, 1994:

- a) Filing an Incorrect Return.
If the tax computed upon the basis of the gross receipts as fixed by the Department is greater than the amount of tax due under the return or returns as filed, the Department shall (or if the tax or any part thereof that is admitted to be due by a return or returns, whether filed on time or not, is not paid, the Department may) issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty of 10% thereof: Provided, that if the incorrectness of any return or returns as determined by the Department is due to fraud, said penalty shall be 30% of the tax due (Section 4 of the Act). The above-quoted penalties apply on or after January 1, 1988 through December 31, 1993.
- b) Failure to File Return When Required, but Payment Prior to Notice of Tax Liability.
In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a notice of tax liability under this section, files a return and pays the tax, he shall also pay a penalty of 10% of the amount of the tax. (Section 5 of the Act)

1) The above-quoted penalty applies January 1, 1988 through December 31, 1993.

A) EXAMPLE: The taxpayer's return for November 1987, is required to be filed on or before December 31, 1987. The taxpayer files the return on January 10, 1988. Because the return is filed late in January 1988, it is subject to the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

10% penalty rate that went into effect January 1, 1988.

B) EXAMPLE: The taxpayer's return for October 1987, is required to be filed on or before November 30, 1987. The taxpayer files the return on December 12, 1987. Because the return is filed late during December 1987, it is subject to the 7.5% penalty rate that was in effect during December 1987.

2) As to tax liability incurred before November 1, 1987, but on or after December 1, 1984, the penalty in this situation is 7.5%.

c) Filing Return at Required Time but Failure to Pay Tax. *In case any person engaged in the business of selling tangible personal property at retail files the return at the time required by the Act but fails to pay the tax, or any part thereof, when due, a penalty of 10% of the amount of the tax unpaid when due shall be added thereto.* (Section 5 of the Act)

1) The above-quoted penalty applies on or after January 1, 1988 through December 31, 1993.

2) As to tax liability incurred before January 1, 1988, but on or after December 1, 1984, the penalty in this situation is 7.5%.

d) Filing Late Return Without Payment of Entire Tax

In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a notice of tax liability under this section, files a return but fails to pay the entire tax, a penalty of 10% of the full amount of tax shown by such return shall be added thereto. (Section 5 of the Act)

1) The above-quoted penalty applies on or after January 1, 1988 through December 31, 1993.

2) As to tax liability incurred before January 1, 1988, but on or after December 1, 1984, the penalty in this situation is 7.5%.

e) Failure to File Return When Required, and Failure to Pay Prior to Department

In case any person engaged in the business of selling tangible personal property at retail fails to file a return, the Department shall determine the amount of tax due from him according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination.... The Department shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty of 30% thereof. (Section 5 of the Act)

1) The above-quoted penalty applies to tax liability incurred on or after December 1, 1984 through December 31, 1993.

2) As to tax liability incurred before December 1, 1984, but after July 1, 1965, the penalty in this situation is 20%.

f) Effect of a Taxpayer's Bankruptcy Filing Upon a Notice of Tax Liability

Generally, if a protest to a notice of tax liability and a request for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

hearing is not filed within 60 days after issuance of a Notice of Tax Liability (NTL), such NTL shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment. (See Section 5 of the Act) However, if prior to the issuance of the NTL, a taxpayer has filed a petition in U.S. Bankruptcy Court and the automatic stay is still in effect, or if a taxpayer files such a petition within 60 days after the issuance of an NTL, the automatic stay prevents any pre-petition liability included in the NTL from becoming final even though not protested within 60 days after the issuance of the NTL. If any pre-petition tax included in the NTL is not paid to the Department through the bankruptcy proceeding, adjudicated by the bankruptcy court, or discharged by the bankruptcy court, the taxpayer has 60 days after termination of the automatic stay to protest the pre-petition liability and request an administrative hearing pursuant to 86 Ill. Adm. Code 200.

g) Over-Collection of Tax, or Collection of Tax on Nontaxable Receipts. *If a seller collects an amount (however designated) that purports to reimburse the seller for Retailers' Occupation Tax liability measured by receipts that are not subject to retailers' occupation tax, or if a seller, in collecting an amount (however designated) that purports to reimburse the seller for Retailers' Occupation Tax liability measured by receipts that are subject to tax under the Act, collects more from the purchaser than the seller's Retailers' Occupation Tax liability on the transaction, the purchaser shall have a legal right to claim a refund of that amount from the seller. If, however, that amount is not refunded to the purchaser for any reason, the seller is liable to pay that amount to the Department. This subsection (g) does not apply to an amount collected by the seller as reimbursement for the seller's Retailers' Occupation Tax liability on receipts that are subject to tax under the Act as long as such collection is made in compliance with the tax collection brackets prescribed by the Department at 86 Ill. Adm. Code 150.7 Table A. (Section 2-40 of the Act)*

For example, a lessor of tangible personal property who paid Use Tax up front upon acquisition of the rental property collects an amount described in the rental statements as a "tax" from lessees. Because the lease contract payment amounts do not generate a tax, the amounts collected as a "tax" are a collection of tax on nontaxable receipts and the lessee has a legal right to claim a refund of that amount. If the amount is not refunded, the taxpayer must pay the amount to the Department. (See John Nottoli, Inc. v. Department of Revenue (Fourth Dist. 1995, 272 Ill.App.3d 822).)

h) Filing Late Return Due to "Reasonable Cause"

1) The penalties imposed under Sections 3-3, 3-4 and 3-5 of the Uniform Penalty and Interest Act shall not apply if the taxpayer shows that his failure to file a return or pay tax at the required time was due to reasonable cause.

2) The Department will decide whether to abate a penalty by

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

considering the extent to which the taxpayer made a good faith effort to determine his proper tax liability and pay his proper liability in a timely fashion. In making this determination, the Department will use the standards set out in the Reasonable Cause Section (86 Ill. Adm. Code 700.400) of the Uniform Penalty and Interest Act regulations.

(Source: Amended, at 25 Ill. Reg. 467 A, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF MODIFICATION
TO MEET OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act - Advanced Practice Nurse
- 2) Code Citation: 68 Ill. Adm. Code 1305
- 3) Section Numbers: 1305.45
EXHIBIT B Action: Modify
- 4) Date Notice of Proposed Rules Published in the Register: September 22, 2000, at 24 Ill. Reg. 14159.
- 5) Date JCAR Statement of Objection Published in the Register: March 9, 2001, at 25 Ill. Reg. 8720.
- 6) Summary of Action Taken by the Agency: The Department of Professional Regulation modifies Sections 1305.45 and 1305. EXHIBIT B; although JCAR filed an Objection to all 18 Sections of new Part 1305, only these 2 Sections contained points of contention.

The Department on September 25, 2000, filed proposed rules to implement the advanced practice nursing provisions of the Nursing and Advanced Practice Nursing Act. This filing had been drafted by the Department with the assistance of the Advanced Practice Nursing Board and the participation of various interested parties.

Most provisions of the original filing were non-controversial and did not result in public comments that the Department felt required any substantive changes. However, the issue of office-based rendering of anesthesia services, specifically through practice agreements between advanced practice nurses (certified registered nurse anesthetists, or CRNAs) and physicians has been highly controversial and has resulted in extensive discussion and the objection to the proposed rules by the Joint Committee.

The specific area of concern was initially raised by the Illinois State Medical Society. The Society expressed the view that physicians entering practice agreements with CRNAs should be required to have some training or experience in the anesthesia field. The basis for their position was that Section 65/15-25C of the Act requires the physician to participate through discussion of, and agreement with, the anesthesia plan and remain physically present and be available on the premises for diagnosis, consultation and treatment of emergency medical conditions.

After careful consideration of these and other comments, the Department agreed that, in the interest of public safety and to give meaning to the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF MODIFICATION

TO MEET OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

requirements of Section 15-25, an experience and/or training requirement was appropriate. Therefore, when the Department filed the rules for a second notice period, such a requirement was included.

The second notice provision required one-time physician training of 2200 hours for deep sedation, general anesthesia or regional anesthesia and 60 hours for conscious sedation. The Department then received several expressions of concern from the nursing and physician communities. The CRNAs maintained there was no basis for requiring any background and that to do so violated legislative intent. Physicians believed the requirements were either not necessary or too extensive.

In response to the above comments, the Department convened a meeting with representatives of the Illinois State Medical Society, the Illinois Nurses Association and the Illinois Association of Nurse Anesthetists. The Senate sponsor of the legislation that authorizes these rules also participated. The meetings held in advance of the February 21, 2001, meeting of the Joint Committee for the purpose of attempting to find some middle ground between the Department's proposal and some less extensive requirements which would continue to address concerns that the physicians whose presence and participation were statutorily mandated would be trained to fulfill the purposes of that mandate.

As a result of the above meeting, the Department submitted to the Joint Committee a modified version of the physician training requirements. The modified language involves a substantially reduced requirement every 3 years of 8 hours of continuing medical education (CME) for conscious sedation and 34 hours of CME for deep sedation, regional anesthesia, and general anesthesia. In addition, both the physician and CRNA will be required to complete and maintain Advanced Cardiac Life Support (ACLS) Certification. It was the Department's belief that this would assure ongoing (rather than one time) training in the appropriate fields and provide a further assurance of public safety. It should be noted that all of this substantially reduced training can be utilized as partial fulfillment of the pre-existing requirement for physicians to complete 150 hours of CME every 3 years. The Department assumes that responsible physicians who perform surgical procedures will continue to voluntarily obtain the CME hours they require to maintain their surgical and other skills, even when that results in completion of more than the minimum mandated number of hours.

The Illinois Association of Nurse Anesthetists apparently continued to oppose the modified proposal and the Joint Committee objected to the rulemaking because substantial changes were made to the rule after first notice publication, and therefore, the public had no opportunities under the Illinois Administrative Procedure Act to submit comments on these

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF MODIFICATION

TO MEET OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

changes.

At that point, the Department had no particular objection to following a course which would involve a re-publication and comment period on the matters in contention; however, we felt it necessary to look beyond that limited point to the "bigger picture." The entire process of legislating and rulemaking in this area had taken several years and a great deal of sincere effort on the part of many dedicated individuals and groups. The good to be derived from moving forward in recognizing and enhancing the services provided by advanced practice nurses outweighs the benefits to be derived from further extended study and debate on a limited, but important, segment of the practice.

In addition, failure to advance the rulemaking and to commence the licensing of advanced practice nurses in a very timely fashion would have the practical impact of eliminating the ability of those currently practicing advanced practice nursing to achieve licensure under the "grandfather" provision of the Act, which is in place only until July 1, 2001.

Representatives of the Illinois Association of Nurse Anesthetists (IANA) on March 5, 2001, presented additional proposed modifications for consideration by the Department. Their first suggestion would have essentially removed the training requirements for physicians while placing portions of those requirements on nurse anesthetists entering office practice agreements; since this would remove the very safety net the Department is trying to establish, it has not been included. IANA's second suggestion, which has been included in this modification, was to incorporate by reference the standards for Office Based Anesthesia Practice of the American Association of Nurse Anesthetists and require that CRNAs entering practice agreements regarding office-based anesthesia services adopt those standards in their practice agreements.

The Department believes that the extensive process described herein addresses the objection filed by the Joint Committee. The Department has been very open to all of the parties who have expressed an interest in this matter, holding repeated meetings and discussions and carefully considering voluminous written submissions.

For all the reasons outlined herein, the most appropriate action to take on behalf of the public is to proceed with this important and necessary rulemaking with the knowledge that the Department has made every good faith effort to address the concerns expressed by the Joint Committee.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 13, 2001 through March 19, 2001 and have been scheduled for review by the Committee at its April 17, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule | Start Of First Notice | JCAR Meeting |
|-----------------------|--|-------------------------------|--------------|
| 4/26/01 | Illinois Racing Board, Claiming Races (11 Ill Adm Code 510) | 1/26/01 25 Ill Reg 1165 | 4/17/01 |
| 4/28/01 | Department of Agriculture, Standardbred and Thoroughbred Horse Breeding and Pacing Programs, Illinois (8 Ill Adm Code 290) | 1/12/01 25 Ill Reg 300 | 4/17/01 |
| 4/28/01 | Illinois Racing Board, Pari-Mutuels (11 Ill Adm Code 300) | 1/19/01 25 Ill Reg 789 | 4/17/01 |
| 4/28/01 | Secretary of State, Commercial Driver Training Schools (92 Ill Adm Code 1060) | 1/26/01 25 Ill Reg 1173 | 4/17/01 |
| 4/29/01 | Department of Revenue, Retailers' Occupation Tax (66 Ill Adm Code 130) | 5/26/00 24 Ill Reg 7617 | 4/17/01 |

PROCLAMATIONS

2001-33

ASIAN AMERICAN COALITION OF CHICAGO DAY

WHEREAS, the Asian American Coalition of Chicago (AACC) was founded in May 1982 with the goal to organize and promote equal opportunity in government, education, and economic development. The AACC enables Asian Americans to enrich their culture while strengthening America; and

WHEREAS, Asians have immigrated legally to America for many years, starting in large numbers when Chinese workers were brought here in the 1800s. Hawaiians, Koreans, Japanese, Filipinos, Cambodians, Indians, Vietnamese, and others have greatly enriched the American experience over the years; and

WHEREAS, the theme for this year's celebration is "Unity & Diversity"; and WHEREAS, the celebration will honor the Grand Asian American Award, Community Service Asian Award, and Pan Asian American Award recipients. The celebration will include an exciting entertainment program highlighting the rich Asian culture of several countries; and

WHEREAS, on January 27, 2001, the Asian American Coalition of Chicago is pleased to present the 18th Annual Celebration hosted by the Korean American Community at Hyatt Regency O'Hare, Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 27, 2001, as ASIAN AMERICAN COALITION OF CHICAGO DAY in Illinois.

Issued by the Governor January 19, 2001.
Filed by the Secretary of State January 25, 2001.

2001-34

TED ARTHUR BEATTIE DAY

WHEREAS, Ted A. Beattie, a native of Ohio and graduate of Ohio State University, was born on January 13, 1945; and

WHEREAS, Ted came to Illinois with his family to further a career in zoo and aquarium administration, where he served as the Assistant Director of Brookfield Zoo; and

WHEREAS, he has developed a successful career throughout the nation, culminating in his current position as the President and CEO of the John G. Shedd Aquarium; and

WHEREAS, he brings national recognition to Illinois and its cultural institutions through his services as the current President of the American Zoo and Aquarium Association; and

WHEREAS, Ted is an avid golfer with a dedication to the sport that stems from early days as a caddy to his current regular trips to warm climates and renown golf courses to further improve his scratch golf game; and

WHEREAS, Ted and his wife, Penny, are the proud "parents" of one beloved dog, Sophie, whose life is filled with the love and adoration of her "parents"; and

WHEREAS, he is a kind and considerate man who has earned the respect and appreciation of his family, his colleagues, his many friends, his children, Lauralyn, Sean and especially, his youngest daughter, Kimberly, who is so proud to call him her father;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 13, 2001, as TED ARTHUR BEATTIE DAY in the State of Illinois.

Issued by the Governor January 18, 2001.
Filed by the Secretary of State January 25, 2001.

2001-35

JAMES B. PARK DAY

WHEREAS, James B. Park earned a Bachelor of Science Degree and a Master of Science Degree in Engineering from Southern Illinois University in 1970 and 1971; and

WHEREAS, in 1971, Jim Park began employment with the Illinois Environmental Protection Agency as a Permit Review Engineer and was later promoted to the position of Federal Permits Liaison of the federal National Pollutant Discharge Elimination System permit program; and

WHEREAS, in 1974, Jim was promoted as Manager of Technical Standard Section of the Division of Water Pollution Control; and

WHEREAS, after nearly 10 years, Jim was again promoted as the Manager of Planning and Standards Section of the Division of Water Pollution Control, and in August of 1986, he was named Manager of the Division of Water Pollution Control; and

WHEREAS, in 1991, Jim Park was named Chief of the Bureau of Water for the Illinois Environmental Protection Agency; and

WHEREAS, throughout his tenure with IEPA, Jim has been affiliated with the Great Lakes Protection Fund, the International Joint Commission for the Protection of the Great Lakes, the Ohio River Valley Water Sanitation Commission, the Association of State and Interstate Water Pollution Control Administrators, the American Consulting Engineer Council National Engineering Excellence Awards, the Illinois River 20/20 Task Force, and the Water Resource Advisory Committee; and

WHEREAS, Jim Park earned the Illinois Award from the Illinois Association of Wastewater Agencies and an Alumni Achievement Award from Southern Illinois University; and

WHEREAS, James B. Park retired from the Illinois Environmental Protection Agency on December 31, 2000, after 29 years of service; and

WHEREAS, James B. Park will be honored by his friends, coworkers, and family at a reception on January 23, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 23, 2001, as JAMES B. PARK DAY in Illinois.

Issued by the Governor January 19, 2001.
Filed by the Secretary of State January 25, 2001.

2001-36

NORTHWESTERN UNIVERSITY WEEK

WHEREAS, in 1850 the nine founders of Northwestern desired to create an academic institution of the highest order of excellence that would serve the people of the Northwest Territory; and

WHEREAS, the State of Illinois granted a charter, signed by Governor A.C. French, establishing Northwestern University on January 28, 1851; and

WHEREAS, Northwestern was one of the earliest institutions of higher learning in the country to admit women on the same basis as men; and

WHEREAS, since Northwestern purchased land north of Chicago and began offering classes in 1855 and the City of Evanston was incorporated in 1863, the

City of Evanston and Northwestern University have enjoyed a mutually beneficial relationship; and

WHEREAS, because Northwestern has maintained property in Chicago since its inception and consolidated its professional schools in the early 20th century into one campus in Chicago's Streeterville neighborhood, the City of Chicago and Northwestern University have enjoyed a mutually beneficial relationship; and

WHEREAS, Northwestern's position as a premier research and teaching institution of national and international acclaim and consistent ranking as a top U.S. university brings great pride and honor to Illinois and its residents; and

WHEREAS, Northwestern is celebrating its Sesquicentennial anniversary with events and programs on both campuses and around the country throughout 2000 and 2001; and

WHEREAS, Northwestern will recognize the 150th anniversary of its statutory origins on January 28, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 28-February 3, 2001, as NORTHWESTERN UNIVERSITY WEEK in Illinois.

Issued by the Governor January 19, 2001.
Filed by the Secretary of State January 25, 2001.

2001-37

OCONNA NNAWANI DAY

WHEREAS, Ogonna Nnamani of University High School in Normal, Illinois, has been named the 2000 Gatorade National High School Volleyball Player of the Year; and

WHEREAS, for the past 16 years, the Gatorade program has honored student-athletes in 10 sports for their academic success and high character, in addition to their outstanding athletic ability; and

WHEREAS, Ogonna Nnamani has been chosen out of more than 375,000 high school volleyball players nationwide; and

WHEREAS, as a four-year starter on the University High School volleyball team, Ogonna has received numerous athletic awards, including the Student Sports Magazine Player of the Year, Champaign News Gazette All-State Player of the Year and has been chosen twice as a first-team, all-state selection; and

WHEREAS, Ogonna has had a very impressive volleyball career, which includes 345 kills, 47 blocks, and 24 serving aces. Her dominance on the court has led her team to consecutive state championships and an impressive 41-1 record this season; and

WHEREAS, Ogonna has achieved success off the court as well, by maintaining a perfect 4.0 GPA, participating in the National Honor Society, serving as President of the Student Body, and volunteering her time helping with Special Olympics and reading to the disabled; and

WHEREAS, to honor Ogonna for all her hard work and success, she will be presented the most famous national award for high school student-athletes on January 25, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 25, 2001, as OCONNA NNAWANI DAY in Illinois.

Issued by the Governor January 22, 2001.
Filed by the Secretary of State January 25, 2001.

2001-38

AMBUCS VISIBILITY MONTH (Decatur)

WHEREAS, February is AMBUCS National Visibility Month; and
 WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and
 WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and
 WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and

WHEREAS, in Illinois, the Decatur AMBUCS organization is actively involved in the community, serving meals at Special Olympics State Softball Tournaments, providing computers to underprivileged and disabled children, and raising funds for Easter Seals and Special Olympics;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMBUCS VISIBILITY MONTH in Illinois.

Issued by the Governor January 24, 2001.
 Filed by the Secretary of State January 25, 2001.

2001-39

AMBUCS VISIBILITY MONTH (Lincolnland)

WHEREAS, February is AMBUCS National Visibility Month; and
 WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and

WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and

WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and

WHEREAS, in Illinois, the Lincolnland AMBUCS organization is actively involved in the community, holding numerous fundraising events for the disabled people in the community, providing computers to underprivileged and disabled children, and raising funds for Easter Seals and Special Olympics;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMBUCS VISIBILITY MONTH in Illinois.

Issued by the Governor January 24, 2001.
 Filed by the Secretary of State January 25, 2001.

2001-40

AMBUCS VISIBILITY MONTH (PrairieLand)

WHEREAS, February is AMBUCS National Visibility Month; and
 WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and

WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and

WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy

students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and

WHEREAS, in Illinois, the PrairieLand AMBUCS organization is actively involved in the community, holding numerous fundraising events for the disabled people in the community, providing computers to underprivileged and disabled children, and raising funds for Easter Seals and Special Olympics;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMBUCS VISIBILITY MONTH in Illinois.

Issued by the Governor January 24, 2001,
 Filed by the Secretary of State January 25, 2001.

2001-41

LAKE VILLA CENTENNIAL CELEBRATION DAY

WHEREAS, this year marks the 100th anniversary of the Village of Lake Villa, Illinois; and

WHEREAS, over the past 100 years, Lake Villa has had a dramatic increase in population and has experienced many changes in the village's history; and
 WHEREAS, prior to incorporation in 1901, the area now known as Lake Villa was called Lake City from 1883-1884, and Stanwood from 1884-1886; and

WHEREAS, E.J. Lehmann, the "Merchant Prince of State Street" had a profound influence upon the establishment of the village, and an article in an 1887 Chicago newspaper reported that "the coming city of Lake County is Lake City, which has been platted and laid out by E. J. Lehmann"; and

WHEREAS, one year after the death of E.J. Lehmann, the Village of Lake Villa was incorporated and the first election of officers was held on April 16, 1901; and

WHEREAS, many family names, such as Barnstable, Sherwood, Schneider, Hamlin, Sheehan, Hucker, Manzer, Cribb, Bartlett, Wilton, Slazes, and Blumenschein keep appearing throughout the 100 years of village history; and some of these families still have generations living in the village; and

WHEREAS, on February 15, 1923, ordinance number 123 was passed by the board of trustees approving the construction of Cedar Avenue and Lake Avenue, and on May 25, 1928, the voters approved the issue of negotiable bonds for the construction of the Village Water Works System; and

WHEREAS, the Village of Lake Villa continues to grow and prosper, and 100 years later, the current Mayor, Frank M. Loffredo, and the residents of Lake Villa celebrate the efforts of the village's pioneering founders and resolve to continue the course of good will they set in motion;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 3, 2001, as LAKE VILLA CENTENNIAL CELEBRATION DAY in Illinois.

Issued by the Governor January 24, 2001.
 Filed by the Secretary of State January 25, 2001.

2001-32 (REVISED)

THOMAS L. ARMSTEAD DAY

WHEREAS, Thomas L. Armstead has been the Illinois State Fire Marshal since 1991, and is the twentieth person to hold the position in the agency's 92-year history; and

WHEREAS, during his ten-year career as State Fire Marshal, the numbers of fire deaths and injuries have been significantly reduced throughout the State

of Illinois; and

WHEREAS, Thomas Armstead was the motivating force responsible for creating the Firefighter Memorial at the State Capitol, as well as an annual award ceremony recognizing fire fighting heroes and those killed in the line of duty and establishing the Illinois Fire Museum located at the State Fairgrounds; and

WHEREAS, before joining the Office of the State Fire Marshall, Thomas served three years as facility fire safety coordinator for the Illinois Department of Corrections and twenty-eight years with the Springfield Fire Department, where he held several leadership positions and served as Chief for three years; and

WHEREAS, during his term as Fire Chief, Springfield became the first Insurance Service Office (ISO) Class 1 rated city in Illinois; and

WHEREAS, Thomas Armstead believes in visible, proactive leadership and organizational unity, concentrating on shared goals and resources to ENSURE THE SAFETY OF ALL the people of the State of Illinois; and

WHEREAS, Thomas's colleagues and co-workers at the Illinois State Fire Marshall's Office and Fire Departments from throughout Illinois will honor him for his dedicated years of service and celebrate his retirement on January 19, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 19, 2001, as THOMAS L. ARMSTEAD DAY in Illinois.

Issued by the Governor January 18, 2001.

Filed by the Secretary of State January 25, 2001.

2001-42

AMERICAN HEARTSAVER MONTH

WHEREAS, nearly 700 Americans die each day of sudden cardiac arrest and 220,000 die each year; and

WHEREAS, of those who suffer cardiac arrest, 95 percent die before they reach the hospital; and

WHEREAS, progress in improving the survival rate for sudden cardiac arrest is lagging behind the survival rate for nearly all other types of cardiovascular disease; and

WHEREAS, the American Heart Association believes the survival rate for sudden cardiac arrest can be improved to 20 percent or higher, and as many as 50,000 lives can be saved each year if the chain of survival is strengthened;

and

WHEREAS, the four links in the cardiac arrest chain of survival are early access to the Emergency Medical Services system, early cardiopulmonary resuscitation (CPR), early defibrillation, and early advanced medical care; and

WHEREAS, the American Heart Association emphasizes that every link in the chain of survival is critically important and can increase the prospects for survival; and

WHEREAS, the American Heart Association holds its annual American HeartSaver Day celebration events during the month of February to create public awareness of the need to strengthen every link in the chain of survival and honor those individuals who have worked to strengthen the chain or have saved a life using cardiopulmonary resuscitation or an automated external defibrillator (AED); and

WHEREAS, in 1963, Congress officially recognized the need to focus national attention on heart health when it mandated that the President of the United States issue a proclamation annually designating February as American Heart Month, and since then the American Heart Association has worked with successive

administrations in preparing the annual proclamation; and

WHEREAS, the American Heart Association's efforts place special emphasis on the need for early defibrillation because it is the only treatment to correct ventricular fibrillation - the most common cause of death from sudden cardiac arrest; and

WHEREAS, survival from sudden cardiac arrest is critically dependent on the early fibrillation link in the chain of survival and the sooner a heart can be restarted with a lifesaving electric shock called defibrillation, the better the chances of recovery; and

WHEREAS, the American Heart Association is continually working to remove legal barriers to citizens operating automated external defibrillators;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMERICAN HEARTSAVER MONTH in Illinois.

Issued by the Governor January 25, 2001.

Filed by the Secretary of State January 25, 2001.

2001-43

CERTIFIED NURSE ASSISTANT WEEK

WHEREAS, Illinois has more than 200,000 Certified Nurse Assistants; and

WHEREAS, Certified Nurse Assistants working in long-term care facilities provide compassionate care for residents and their families; and

WHEREAS, Certified Nurse Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and

WHEREAS, Certified Nurse Assistants are "Specialists in the Art of Caring" for tens of thousands of frail and elderly citizens of Illinois; and

WHEREAS, Certified Nurse Assistants help restore residents to their highest functioning level;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7-14, 2001, as CERTIFIED NURSE ASSISTANT WEEK in Illinois.

Issued by the Governor January 25, 2001.

Filed by the Secretary of State January 25, 2001.

2001-44

JOLIET TOWNSHIP HIGH SCHOOL AND JOLIET JUNIOR COLLEGE YEAR

WHEREAS, this year marks the 100th anniversary of Joliet Junior College and Joliet Township High School; and

WHEREAS, Frank Shaver Allen, under the direction of Dr. J. Stanley Brown, superintendent; Judge A.O. Marshall, president; and the school board envisioned Joliet's new public high school to be a "palace of learning and culture", building the school in Collegiate Gothic; and

WHEREAS, completed in April 1901, the school enrolled only 125 students, but by 1915, the student population had grown to over 1,000 students, making expansion necessary; and

WHEREAS, Joliet Township High School continued to advance its academic program and perfect its music program in 1930, the school became one of the four best high schools in the nation, and the school band won state championships from 1924-1926 and national championships from 1926-1928 and 1961-1963; and

WHEREAS, in 1932, Louise Lentz Woodruff designed a sculpture that became the school mascot, the Steelman, and in 1965, she donated a second sculpture now

known as the Puddler; and

WHEREAS, Joliet Junior College was established in 1901 and operated by the high school district until 1967, until relocating to its present campus on Hobolt Road in 1969; and

WHEREAS, during the 1920s and 1930s, enrollment at JJC increased and new courses were developed, making the college more attractive to high school seniors; and

WHEREAS, as America's oldest public community college, Joliet Junior College now serves over 13,000 students in seven counties,

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2001 as JOLIET TOWNSHIP HIGH SCHOOL AND JOLIET JUNIOR COLLEGE YEAR in Illinois.

Issued by the Governor January 25, 2001.

Filed by the Secretary of State January 25, 2001.

2001-45

NURSING HOME WEEK

WHEREAS, the residents of long-term care facilities have led exceptional and extraordinary lives which have made this State great; and

WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and chronically ill citizens; and

WHEREAS, this dedication has been demonstrated through continual striving to upgrade standards of care and improve service; and

WHEREAS, the Illinois Health Care Association is contributing to activities in observance of the "Love is Ageless" theme for National Nursing Home Week beginning May 13, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13-19, 2001, as NURSING HOME WEEK in Illinois.

Issued by the Governor January 25, 2001.

Filed by the Secretary of State January 25, 2001.

2001-46

JENN JAM BLUES FEST AND BIG RIVER'S CHAMPIONSHIP BARBECUE CONTEST DATES

WHEREAS, the JDMS Nursing Scholarship Foundation, a non-profit organization, was started in November 1998; and

WHEREAS, the City of Cairo supports the JDMS Nursing Scholarship Foundation, which awards scholarships to students in the State of Illinois; and

WHEREAS, to raise funds to extend their scholarships, the JDMS Nursing Scholarship Foundation held the first annual Jenn Jam Blues Festival at Fort Defiance Park in Cairo, Illinois, in June 2000; and

WHEREAS, the City of Cairo is hosting this year's festival, along with a barbecue contest sanctioned by the Kansas City Barbecue Society (KCBS); and

WHEREAS, the KCBS is the largest international organization of barbecue enthusiasts, attracting members from all 50 states, most Canadian Provinces, and 8 countries; and

WHEREAS, the addition of an ongoing state championship barbecue contest will further enhance the blues festival and help increase funds for the JDMS Nursing Scholarship Foundation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

June 22-23, 2001, as JENN JAM BLUES FEST AND BIG RIVER'S CHAMPIONSHIP BARBECUE CONTEST DATES in Illinois.

Issued by the Governor January 29, 2001.

Filed by the Secretary of State February 1, 2001.

2001-47

JOBS FOR ILLINOIS GRADUATES DAY

WHEREAS, Jobs for Illinois Graduates is the largest State model of a school-to-work transition program for students; and

WHEREAS, through the model program, students learn employability skills and develop leadership skills while they are in high school; and

WHEREAS, the model includes students committed to graduating high school, entering the work force or military service, or continuing their education or training after high school graduation; and

WHEREAS, students in the Jobs for Illinois Graduates program have consistently met standards of a 90 percent graduation rate and an 80 percent positive outcome rate; and

WHEREAS, the State of Illinois has successfully implemented the model over the past four and half years; and

WHEREAS, the current model students want to make all Illinois students and citizens aware of the opportunities available to them and the value of the Jobs for Illinois Graduates program to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2001, as JOBS FOR ILLINOIS GRADUATES DAY in Illinois.

Issued by the Governor January 29, 2001.

Filed by the Secretary of State February 1, 2001.

2001-48

LIBERAL ARTS FOR LEADERSHIP WEEK

WHEREAS, the future prosperity of the State of Illinois depends on developing the next generation of leaders; and

WHEREAS, the increasing diversity of our population challenges educational institutions to unlock the potential of minority and at-risk youth; and

WHEREAS, liberal arts education prepares our youth for leadership in business, community, and family by helping students understand themselves and their cultural heritage, by teaching the foundations of mathematics and science, by fostering the desire for lifelong learning, and by training students to synthesize knowledge of various disciplines; and

WHEREAS, the liberal arts tradition is represented in Illinois by the member colleges and universities that comprise the Associated Colleges of Illinois (ACI); and

WHEREAS, ACI member colleges and universities make teaching their first priority, dedicate themselves to developing the intellectual and leadership skills necessary to produce better Illinois citizens and improve the quality of Illinois life, as well as provide a critical forum for consideration of the social and ethical issues raised by the technological, political, and economic changes of our global society; and

WHEREAS, ACI member colleges and universities have shown themselves willing and able to provide the nurturing environment and financial aid required to accommodate increasing numbers of minority students and to ensure that these

students successfully complete their college education; and
 WHEREAS, ACI member college and universities respond to Illinois' growing demand for a well-educated and technically-literate workforce, sending more than 8,500 graduates into the workplace each year, providing the teachers, nurses, managers, government, and community leaders who will shape Illinois' future; and

WHEREAS, these vital institutions also stimulate the economic, intellectual, and cultural life of the Illinois communities in which they reside;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 19-23, 2001, as LIBERAL ARTS FOR LEADERSHIP WEEK in Illinois.

Issued by the Governor January 29, 2001.
 Filed by the Secretary of State February 1, 2001.

2001-49

LONG-TERM CARE ADMINISTRATORS WEEK

WHEREAS, Long-Term Care Administrators care for our loved ones and strive to provide their residents the opportunity to experience the highest quality of life; and

WHEREAS, Long-Term Care Administrators work long hours maintaining the quality of care given in their facilities and continuously striving to improve their facilities; and

WHEREAS, Long-Term Care Administrators are bound by numerous regulations and budgetary constraints, yet they succeed in performing their duties while motivating their staff;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15-21, 2001, as LONG-TERM CARE ADMINISTRATORS WEEK in Illinois.

Issued by the Governor January 29, 2001.
 Filed by the Secretary of State February 1, 2001.

2001-50

LONG-TERM CARE NURSES WEEK

WHEREAS, Long-Term Care Nurses have committed themselves to provide the highest quality care to the young, old and disabled; and
 WHEREAS, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and

WHEREAS, more than 1,200 licensed and extended care facilities look to Long-Term Care Nurses for support and leadership; and

WHEREAS, the Illinois Health Care Association, representing more than 470 Illinois long-term care providers along with the Long-Term Care Nurses Association, declares May 6-12, 2001, as Illinois' Long-Term Care Nurses Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as LONG-TERM CARE NURSES WEEK in Illinois.

Issued by the Governor January 29, 2001.
 Filed by the Secretary of State February 1, 2001.

2001-51

PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well-being of children is a priority of this State;

and
 WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety has been created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce these injuries; and

WHEREAS, the National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children safer, providing proper supervision, age appropriate equipment, materials to soften falls to the surface, and equipment maintenance; and

WHEREAS, it is appropriate to set aside a week each year for the direction and thought on how to keep our children safer on playgrounds; and

WHEREAS, spring is often a time that children head to the playground and a large percentage of playground injuries occur from April through June; and

WHEREAS, schools, parks, and other public facilities are preparing for the summer season and playground participants; and

WHEREAS, all of us that care about children make the commitment that no Illinois child shall play on an unsafe playground; and

WHEREAS, the National Program for Playground Safety has designated April 23-27, 2001, as National Program for Playground Safety Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-27, 2001, as PLAYGROUND SAFETY WEEK in Illinois.

Issued by the Governor January 29, 2001.
 Filed by the Secretary of State February 1, 2001.

2001-52

SCHOOL PSYCHOLOGISTS MONTH

WHEREAS, for nearly 50 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, cognitive, behavioral, emotional, and educational problems; and

WHEREAS, Illinois school psychologists have demonstrated their concern for children's rights to a free and appropriate public education tailored to their individual capabilities; and

WHEREAS, the school psychology profession and the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as SCHOOL PSYCHOLOGISTS MONTH in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our State's students.

Issued by the Governor January 29, 2001.
 Filed by the Secretary of State February 1, 2001.

2001-53

MEDICAL ASSISTANT-PROFESSIONAL PRIDE DAYS

WHEREAS, the health of all our citizens is directly affected by the many professional medical assistants who support and assist physicians in rendering life-saving services; and

WHEREAS, many medical assistants seek to maintain the highest standards of

excellence by taking advantage of educational programs offered by professional organizations such as the American Association of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible; and

WHEREAS, we should commend the dedication of those in medical fields who seek to upgrade their profession and improve their careers as valuable members of medical teams;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 19-22, 2001, as MEDICAL ASSISTANT-PROFESSIONAL PRIDE DAYS in Illinois.

Issued by the Governor January 30, 2001.

Filed by the Secretary of State January 25, 2001.

2001-54

TV-TURNOFF WEEK

WHEREAS, the average American youth watches 1,500 hours of TV each year while attending school for only 900 hours annually; and

WHEREAS, parents spend an average of just 38.5 minutes a week in meaningful conversation with their children, while children spend an average of 1,680 minutes a week -- 28 hours -- watching television; and

WHEREAS, participants in TV-Turnoff Week engage in a broad range of substitute activities that foster greater social, physical, academic and creative development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-29, 2001, as TV-TURNOFF WEEK in Illinois.

Issued by the Governor January 30, 2001.

Filed by the Secretary of State January 25, 2001.

2001-55

VOLUNTEER WEEK

WHEREAS, our nation was built upon a spirit of volunteerism, and the talents and energies of American volunteers continue to be one of our greatest resources; and

WHEREAS, America cannot depend on government alone to solve all of its societal problems; and

WHEREAS, volunteerism is increasingly recognized as an important partner with government and industry; and

WHEREAS, the active involvement of citizens in Illinois is needed today more than ever to combat growing human and social problems, to renew our belief that these problems can be solved, and to strengthen our sense of community; and

WHEREAS, volunteering offers all citizens the opportunity to participate in the life of their community and lend their talents and resources, making change possible, to address some of the major issues facing our State; and

WHEREAS, it is fitting for all citizens to join in this celebration of our rich volunteer heritage and recognize the dedicated volunteers and volunteer programs that contribute immeasurably to communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor January 30, 2001.

Filed by the Secretary of State January 25, 2001.

2001-56

BEARUSIAN INDEPENDENCE DAY

WHEREAS, on March 25, 1918, the Belarusian Democratic Republic was proclaimed; and

WHEREAS, Belarus has courageously struggled for independence for more than 50 years; and

WHEREAS, Belarusian Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our State; and

WHEREAS, events are being held in the Belarusian community to commemorate the 83rd anniversary of Belarusian independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2001, as BEARUSIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.

2001-57

CASIMIR PULASKI DAY

WHEREAS, Polish war hero Brigadier General Casimir Pulaski fought and died valiantly and helped Colonial America win its battle for independence during the Revolutionary War; and

WHEREAS, born in Poland on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism and determination of Polish Americans and Slavic Americans who have worked and fought to help make our country great; and

WHEREAS, this individual was willing to make the supreme sacrifice through his death in battle while defending our nation, and it is fitting that we set aside the first Monday in March to honor him, just as early Illinois settlers honored him by naming Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois; and

WHEREAS, many observances are being held in honor of Casimir Pulaski, including celebrations at the Polish Museum in America, Truman College, City of Fairview Heights, and a banquet sponsored by the Polish American Congress-Illinois Division;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 5, 2001, as CASIMIR PULASKI DAY in Illinois.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.

2001-58

GREEK INDEPENDENCE DAY

WHEREAS, Illinois residents of Greek ancestry have been closely identified with the educational, professional, economic, religious, and cultural progress of our State since its earliest days; and

WHEREAS, Greece is universally acknowledged to have been "the cradle of democracy," and people of independent nations everywhere are indebted to the Greek formulation of principles of self-government; and

WHEREAS, the nation of Greece has contributed immeasurably to the ideals of freedom and democracy and to the rich heritage that forms the foundation of western civilization; and

WHEREAS, on March 25, 2001, the people of Greek origin will celebrate the 180th Anniversary of Greek Independence to commemorate their freedom, and a parade commemorating the Hellenic Spirit will take place in Greek Town in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2001, as GREEK INDEPENDENCE DAY in Illinois.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.

2001-59

IRISH AMERICAN HERITAGE MONTH AND ST. PATRICK'S DAY

WHEREAS, by 1776 nearly 300,000 natives of Ireland had immigrated to the United States; and

WHEREAS, at least eight signers of the Declaration of Independence were of Irish origin; and

WHEREAS, the Irish and their descendants have helped to enrich the quality of life in the United States and have served with distinction in all areas of American society; and

WHEREAS, Irish Americans such as Thomas O'Shaughnessy, Louis Sullivan, Walter Farrell, and Finley Peter Dunne have added to Illinois' culture; and WHEREAS, Irish Americans have helped to construct several major Illinois projects including the Illinois Michigan Canal; and

WHEREAS, more than ten St. Patrick parades will take place across Illinois, including the Grand Parade VII sponsored by the St. Patrick Society Quad Cities, USA, and numerous other St. Patrick Day Parades sponsored by the Irish Marching Society of Rockford, the St. Patrick Society of Peoria, the West Suburban Irish, the Elmhurst St. Patrick's Day Parade Committee, the Southside Irish St. Patrick's Day Parade Committee, the Lee County Irish Heritage Club, the Downtown St. Charles Partnership, the Greater St. Charles Area Chamber of Commerce, the Oak Park Avenue Main Street Association, and the Manhattan Youth Athletic Association; and

WHEREAS, the Governor's Office will sponsor an annual Irish cultural program, Friday, March 16th at the James A. Thompson Center featuring the Shannon Rovers Pipe Band, Trinity Irish Dancers, and Maureen O'Looney, Producer & Host of WIBC-1240 AM American Irish Radio Network;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as IRISH AMERICAN HERITAGE MONTH and March 17, 2001, as ST. PATRICK'S DAY in Illinois.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.

2001-60

LITHUANIAN INDEPENDENCE DAY

WHEREAS, Lithuania's history as a nation dates back to the 13th century; and WHEREAS, Lithuania has courageously struggled for independence for more than 50 years; and

WHEREAS, Lithuanian-Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our State; and

WHEREAS, Chicago is home to a large Lithuanian community that is still

strongly connected to its homeland; and WHEREAS, we are grateful for their contributions to our State and our individual lives; and

WHEREAS, many events are being held to commemorate the 83rd anniversary of Lithuania's independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 16, 2001, as LITHUANIAN INDEPENDENCE DAY in Illinois, commemorating the anniversary of this special day.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.

2001-61

ROSE GARLASCO DAY

WHEREAS, the education of our children is a vital issue for the future of our nation; and

WHEREAS, school principals and assistant principals are leading the way for our children to receive quality education in the State of Illinois; and

WHEREAS, Illinois residents are fortunate that individuals of great talent, commitment and character have dedicated their lives to the noble pursuit of educating our children; and

WHEREAS, McDonald's Corporation and the National Association of Secondary School Principals (NASSP) work together to recognize outstanding assistant principals across the country through the Assistant Principal of the Year program; and

WHEREAS, McDonald's and NASSP have selected Rose Garlasco of Vernon Hills High School as the 2001 Assistant Principal of the Year in the State of Illinois; and

WHEREAS, Rose Garlasco has worked for more than 25 years to educate the children of Illinois, setting a standard of excellence in her profession and becoming a great asset to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 6, 2001, as ROSE GARLASCO DAY in Illinois.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.

2001-62

BOBBY SHORT DAY

WHEREAS, Bobby Short, an internationally acclaimed entertainer, is a native son of Danville, Illinois; and

WHEREAS, Bobby Short has performed with numerous symphonies and in numerous concerts, television specials and movies; and

WHEREAS, Bobby Short has become the nation's most celebrated cabaret performer, having performed for Presidents Nixon, Carter, Reagan, and Clinton at the White House; and

WHEREAS, Bobby Short has been nominated for three Grammy Awards in 1993, 1994, and 2000; and

WHEREAS, Bobby Short has been appointed as Laureate of the Lincoln Academy here in Illinois; and

WHEREAS, Bobby Short has helped the Danville Community Public School Foundation strive to build a better tomorrow for the Danville Area;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2, 2001, as BOBBY SHORT DAY in Illinois.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-63

CHILDREN'S DENTAL HEALTH MONTH

WHEREAS, it is important that families maintain good health and good dental health; and

WHEREAS, good health can be achieved in part through good dental habits learned early in childhood and reinforced throughout life; and

WHEREAS, Children's Dental Health Month was initiated over 50 years ago in an effort to promote good oral health for children; and

WHEREAS, although children's oral hygiene is improving, many children still do not receive proper oral care; and

WHEREAS, one in ten children ages 5 to 11 has not visited a dentist;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as CHILDREN'S DENTAL HEALTH MONTH in Illinois.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-64

ESTONIAN INDEPENDENCE DAY

WHEREAS, Estonia became an independent republic on February 24, 1918; and

WHEREAS, their independence lasted until the 1940's when the Soviet Union occupied Estonia; and

WHEREAS, Estonia regained its freedom and became an independent republic in August of 1991; and

WHEREAS, persons of Estonian heritage are exemplary American citizens who still preserve their traditions, take pride in their history of freedom, believe in human rights, and seek self-determination for their homeland; and

WHEREAS, Chicago enjoys one of the largest communities of Estonians in the United States today;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 24, 2001, as ESTONIAN INDEPENDENCE DAY in Illinois in recognition of the 83rd anniversary of Estonian independence.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-65

IRANIAN HERITAGE DAY

WHEREAS, the contributions of Iranian culture to the world civilization have been significant and long-standing; and

WHEREAS, as one of the great ancient civilizations, Iranians have made major achievements in literature, philosophy, politics, mathematics, astronomy, music, medicine, architecture, and fine arts; and

WHEREAS, due to Omar Khayyam, who founded the algebraic method and Rhazes, who discovered the medicinal uses of alcohol, and through Avicenna's writing, Europe has been reintroduced to Greek philosophy and culture; and

WHEREAS, Iranian artisans have been inspired by works such as Hafiz's odes, which inspired Goethe and Sa'di's Rose Garden, and inspired Emerson to design the woven carpets, known as Persian rugs, that have set universal standards for beauty and delicacy; and

WHEREAS, proud citizens and residents of the United States, over a million strong, continually strive to maintain the legacy of their forefathers; and

WHEREAS, thousands of Americans with Iranian ancestry are astr in educational, cultural, social, economic, and governmental institutions impacting their communities; and

WHEREAS, Iranians all over the world celebrate New Years Day, or "Now Ruz," and a tradition from nearly 3,000 years ago, on the first day of spring, March 21;

WHEREAS, the significance of Iranian's cultural legacy and the contributions of Iranian Americans to the vitality of Illinois have had an important impact on our State;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2001, as IRANIAN HERITAGE DAY in Illinois.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-66

ZAREM/GOLDE ORT TECHNICAL INSTITUTE MONTH

WHEREAS, the Zarem/Golde ORT Technical Institute is affiliated with ORT (Organization for Educational Resources and Technological Training), a worldwide Jewish sponsored, non-denominational, non-profit network of more than 800 schools and training centers with a current enrollment of 262,000 students in 60 countries; and

WHEREAS, ORT schools offer instruction in a wide array of fields, ranging from robotics to language skills; and

WHEREAS, for 121 years, ORT has sought to bring economic self-sufficiency to people in need throughout the world, and approximately 2.5 million people have participated in ORT education and training programs since the organization's inception in 1880; and

WHEREAS, the Zarem/Golde opened in Chicago, Illinois, in March 1991, and attending the opening ceremony was then U.S. Department of Labor Secretary Lynn Martin, who stated that "the Chicagoland corporate community is indeed fortunate to have an internationally acclaimed organization such as ORT educating and training students for the local workforce"; and

WHEREAS, the Zarem/Golde student body is multi-cultural, comprised mostly of immigrants from 42 different nations; and

WHEREAS, the average student is 32, reflecting a student population that is essentially unemployed or underemployed and seeks essential English and technical skills to advance in the American workplace; and

WHEREAS, in the Institute's first ten years of existence, 2,340 students have graduated with certificates in their fields of study, which include Computerized Accounting, Computer-Aided Design and Drafting, Microcomputer and Networking Technology, Computer Programming, and English as a Second Language; and

WHEREAS, the school has an active business advisory board that provides guidance on developing educational and training programs to staff, and 78 percent of the Zarem/Golde graduates are placed in jobs through the efforts of

the Institute' job placement staff.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as ZAREN/GOLDE OBT TECHNICAL INSTITUTE MONTH in Illinois.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-67

INTERNATIONAL WEEK

WHEREAS, the International Student Council at Southern Illinois University at Carbondale is celebrating its 27th anniversary of cultural, social, and educational contributions to the community; and

WHEREAS, SIUC has student representatives from 115 countries and ranks within the top 20 of the nation's universities for foreign enrollment; and

WHEREAS, the International Student Council is sponsoring International Festival 2001 from February 12-17 to offer cultural exhibitions and activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 11-17, 2001, as INTERNATIONAL WEEK in Illinois.

Issued by the Governor February 2, 2001.

Filed by the Secretary of State February 8, 2001.

2001-68

MUSEUM DAY

WHEREAS, museums throughout Illinois are dedicated to promoting cultural development through educational programming, and acquiring, conserving, preserving, researching, interpreting, strengthening, and in particular, organizing and continuously exhibiting specimens, artifacts, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic significance to the public for its enlightenment and enjoyment; and

WHEREAS, museums play a vital role in enriching education by contributing integral resources that enhance the learning process of Illinois school children and encourage education partnerships between museums and schools; and

WHEREAS, for many communities, museums are instruments for economic development, because they not only reap the obvious benefits from tourism, but they also serve as catalysts for redevelopment and revival of downtown areas, embellishing and strengthening the cultural character of communities; and

WHEREAS, Illinois celebrates museums as places to acquire knowledge and provide enjoyable and entertaining leisure opportunities for all ages;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 6, 2001, as MUSEUM DAY in Illinois.

Issued by the Governor February 2, 2001.

Filed by the Secretary of State February 8, 2001.

2001-69

FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK

WHEREAS, Americans depend upon the business leaders of our country to promote future growth and progress of the United States economy and to assure continuing prosperity for the entire nation; and

WHEREAS, the Future Business Leaders of America organization is actively

training young people to assume positions of leadership and responsibilities in business and industry, as well as teaching young people the value and benefits of being actively involved in community service projects; and

WHEREAS, there are approximately 3,500 Future Business Leaders of America-Phi Beta Lambda members in Illinois from 84 high schools and 15 colleges, and approximately 250,000 members nationwide; and

WHEREAS, the Future Business Leaders of America organization continues to demonstrate their effectiveness in producing young people who are competent leaders committed to not only sustaining the American free enterprise system, but also expanding and improving upon it;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 11-17, 2001, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois.

Issued by the Governor February 6, 2001.

Filed by the Secretary of State February 8, 2001.

2001-70

JANICE CORLEY AND THE CHILDREN'S MIRACLE NETWORK DAY

WHEREAS, Janice Corley, President and CEO of RE/MAX Exclusive Properties is hosting a Valentine Sweetheart Reception for the Children's Miracle Network on February 8, 2001; and

WHEREAS, founded in 1983, the Children's Miracle Network helps more than seven million children each year by providing funds for treatment, equipment, and research; and

WHEREAS, one hundred percent of locally generated funds stay in the communities in which they are raised to benefit children through locally affiliated hospitals; and

WHEREAS, RE/MAX is the second-largest corporate sponsor for the Children's Miracle Network, raising \$4.3 million last year; and

WHEREAS, the City of Chicago, its dignitaries, and agents from the RE/MAX of Northern Illinois network would like to commend and thank Janice Corley for her tireless efforts as a child advocate and her work with the Children's Miracle Network;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 8, 2001, as JANICE CORLEY AND THE CHILDREN'S MIRACLE NETWORK DAY in Illinois.

Issued by the Governor February 6, 2001.

Filed by the Secretary of State February 8, 2001.

2001-71

RONALD REAGAN DAY

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving the cause of freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he was victorious in 49 out of the 50 states in the general election, earning the confidence of three-fifths of the electorate & a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and WHEREAS, during Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world; and prepared America's armed forces to win the Gulf War; and WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, on February 6, 2001, Ronald Reagan will celebrate his 90th birthday, thus becoming the oldest living former President; and THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 6, 2001, as RONALD REAGAN DAY in Illinois.

Issued by the Governor February 6, 2001.
Filed by the Secretary of State February 8, 2001.

2001-72

CONVERTING MACHINERY AND MATERIALS DAYS

WHEREAS, CMM International (Converting Machinery and Materials) is the largest trade show of its kind in the world; and WHEREAS, CMM 2001 will be represented by more than 1,000 exhibitors and attended by over 32,000 converting professionals from 70 countries around the world; and

WHEREAS, this year's show will feature 420,000 net square feet of the latest products and technologies from more than 1,000 of the industry's leading manufacturers and marketers of converting machinery and materials; and

WHEREAS, dozens of top industry experts will be on hand to present the most comprehensive conference program with topics ranging from e-commerce and critical management issues to technical sessions on digital printing technologies, advanced web handling, and process automation; and

WHEREAS, CMM International is held every two years at Chicago's McCormick Place and will take place this year from April 23-26;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-26, 2001, as CONVERTING MACHINERY AND MATERIALS DAYS in Illinois.

Issued by the Governor February 8, 2001.
Filed by the Secretary of State February 8, 2001.

2001-73

AFFORDABLE HOUSING WEEK

WHEREAS, securing decent, safe, accessible, and affordable housing is a part of the American dream and a goal of Illinois citizens; and

WHEREAS, efforts to help citizens secure affordable home ownership and rental housing opportunities are legitimate and necessary activities of both state government and the private sector, as witnessed by the many Illinois citizens who have benefited from state programs; and

WHEREAS, affordable housing remains only a dream to thousands of Illinois citizens; and

WHEREAS, reductions in federal housing assistance and rising housing costs have contributed to high rent burdens on senior citizens, low-income families, and others; and

WHEREAS, access to affordable housing can be achieved through cooperative local, State, and federal efforts; and

WHEREAS, the talents of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, State agencies, and others must be combined to address the immense challenge of increased affordable housing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4-14, 2001, as AFFORDABLE HOUSING WEEK in Illinois.

Issued by the Governor February 9, 2001.
Filed by the Secretary of State February 15, 2001.

2001-74

BUILDING SAFETY WEEK

WHEREAS, the well-being of every Illinois citizen depends on the safety of the buildings in which they live, work and play; and

WHEREAS, code compliance in these buildings is the joint responsibility of building owners, building managers, architects, engineers, contractors and building officials; and

WHEREAS, the general public should recognize the importance of building safety codes, which protect the public's health and safety by regulating the structural, electrical, plumbing, mechanical, fire safety, energy efficiency, accessibility and other aspects of both newly constructed and existing buildings; and

WHEREAS, units of State and local government throughout the world are joining in expressing appreciation to the conscientious members of the building industry who ensure the safety of buildings throughout this State, the nation and the entire world; and

WHEREAS, the theme for this year's International Building Safety Week is "Building Our World & One Community at a Time";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8-14, 2001, as BUILDING SAFETY WEEK in Illinois.

Issued by the Governor February 9, 2001.
Filed by the Secretary of State February 15, 2001.

2001-75

COMMUNITY BANKING WEEK

WHEREAS, for more than a century, Illinois community banks and thrifts have acted as the community partner for local business, industry and individuals; and

WHEREAS, the Community Bankers Association of Illinois is celebrating its 27th year of serving Illinois community banks; and

WHEREAS, more than 900 locally owned and/or operated community banks and thrifts with thousands of banking offices in Illinois have upheld a tradition to give back to their communities, and

WHEREAS, Illinois community banks and thrifts employ more than 20,000

workers and serve more than two million account holders conscientiously and competitively; and

WHEREAS, on the average, more than 95 percent of a community financial institution's loan portfolio is reinvested in the local area as farm, commercial, small business and residential loans; and

WHEREAS, Illinois community banks and thrifts are among the safest and most well-capitalized banks in the nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1-7, 2001, as COMMUNITY BANKING WEEK in Illinois.

Issued by the Governor February 9, 2001.

Filed by the Secretary of State February 15, 2001.

2001-76

ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for the past 40 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, DC, for approximately 60 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by the member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states will have an opportunity to witness their federal government in action during the "you to Washington" tour, June 15-22, 2001; and

WHEREAS, in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our State Capitol on April 4, 2001, for 250-300 contest finalists;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4, 2001, as ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois.

Issued by the Governor February 9, 2001.

Filed by the Secretary of State February 15, 2001.

2001-77

USO OF ILLINOIS MONTH

WHEREAS, the United Service Organizations, Inc. (USO) is chartered by Congress as a non-profit charitable corporation and is endorsed by the President of the United States and the Secretary of Defense;

WHEREAS, the mission of the USO is to offer social, emotional, and recreational support to all branches of the military, keep morale and spirits high, and extend a "touch of home" to all military members; and

WHEREAS, the USO of Illinois is located in Chicago and has contributed over \$500,000 to provide welfare and recreational services to more than 250,000 members of the Armed Forces and their family members serving in or travelling through the Chicagoland area; and

WHEREAS, over 50 members in the USO of Illinois corps of volunteers provide an estimated 10,000 hours of service annually, welcoming service members to the centers, relieving the loneliness of an individual Soldier/Marine/Sailor/Airman or Coast Guardsman, and delivering a "touch of home"; and

WHEREAS, March 2001 marks the 50th anniversary of USO service in Illinois and 60 years of service worldwide;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001, as USO OF ILLINOIS MONTH in Illinois.

Issued by the Governor February 9, 2001.
Filed by the Secretary of State February 15, 2001.

2001-78

NUTRITION MONTH

WHEREAS, the Illinois Department of Human Services and nutrition professionals are promoting good nutrition throughout Illinois; and
WHEREAS, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and
WHEREAS, more than 33 percent of Illinoisans are at risk because of obesity, and only 24 percent eat the recommended five or more servings of fruits and vegetables a day; and

WHEREAS, in keeping with the theme of the national observance, "Food and Fitness: Build A Healthy Lifestyle", all Illinoisans should become aware of the importance of proper nutrition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001, as NUTRITION MONTH in Illinois.

Issued by the Governor February 13, 2001.

Filed by the Secretary of State February 15, 2001.

2001-79

DESERT STORM REMEMBRANCE DAY

WHEREAS, today many Illinois citizens will assemble in the Illinois State House to remember the 10th Anniversary of those military service people who served in Operation Desert Storm; and

WHEREAS, American service men and women risked their lives in the Persian Gulf while performing their military duties, and some made the supreme sacrifice during their service to protect the right of freedom; and

WHEREAS, the Illinois Department of Veterans' Affairs and various military veteran organizations organized the Desert Storm Remembrance Ceremony to honor those who died and those who were fortunate enough to survive the conflict; and

WHEREAS, Illinois calls upon the citizens of this great State to observe the day by pausing to remember those who served in Operation Desert Storm in an effort to secure the opportunity for people to be free from aggression against their way of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 28, 2001, as DESERT STORM REMEMBRANCE DAY in Illinois.

Issued by the Governor February 14, 2001.

Filed by the Secretary of State February 15, 2001.

2001-80

FRANKLIN MCMAHON DAY

WHEREAS, Franklin McMahon is the recipient of the Renaissance Prize of the Art Institute of Chicago; and

WHEREAS, his art has exhibited at the Brooklyn Museum, the John and Mabel Ringling Museum of Art in Sarasota, Florida, the Mint Museum in Charlotte, North Carolina, the New York Historical Society, the Chicago Historical Society, and the Smithsonian Institution; and

WHEREAS, his paintings are in the permanent collections of Borg-Warner

Corporation, Time Inc., the State University of New York, New Britain Museum of American Art, George Washington University, the University of Chicago, and the NASA Air and Space Museum; and

WHEREAS, portfolios of his works have been published by LIFE, LOOK, Fortune, Sports Illustrated, Harpers, Jubilee, the Chicago Tribune, and the New York Times; and

WHEREAS, Frank McMahon's art work has been published in numerous books, and he has produced and directed a series of documentaries in art for PBS and CBS; and

WHEREAS, on February 26, 2001, Zion-Benton High School is presenting Frank McMahon with Presidential Materials;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 26, 2001, as FRANKLIN MCMAHON DAY in Illinois.

Issued by the Governor February 14, 2001.

Filed by the Secretary of State February 15, 2001.

2001-81

HERMAN SPERTUS DAY

WHEREAS, Herman Spertus was born on March 10, 1901, in Czarist Russia; and WHEREAS, Herman escaped from Russia and emigrated to the United States in October 1923; and

WHEREAS, in 1933, Herman, along with his brother Maurice, started Metalcraft Corporation, which became Intercoast Corporation--the first firm in the nation to mass-produce picture frames; and

WHEREAS, Herman is committed to Jewish education and culture; and WHEREAS, he became a major benefactor of the College of Jewish Studies, which became Spertus Institute of Jewish Studies; and

WHEREAS, Herman is an avid supporter of the State of Israel, giving generously of his time and resources; and

WHEREAS, he became an accomplished artist and serious collector of fine art; and

WHEREAS, Herman received a Patrons Award from the National Foundation for Jewish Culture in 1993; and

WHEREAS, Herman is blessed with a large family, including, 13 grandchildren and seven great-grandchildren; and

WHEREAS, Herman is celebrating his 100th birthday on March 10, 2001, THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10, 2001, as HERMAN SPERTUS DAY in Illinois.

Issued by the Governor February 14, 2001.

Filed by the Secretary of State February 15, 2001.

2001-82

LICENSED PRACTICAL NURSE WEEK

WHEREAS, the maintenance of good health is of primary concern to everyone; and

WHEREAS, the role of the licensed practical nurse, in caring for people's health needs, has advanced in responsibility and complexity; and

WHEREAS, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

WHEREAS, the Licensed Practical Nurse Association of Illinois is the voice

for LPNs in the health care field and maintains the welfare of the LPN; and WHEREAS, the Licensed Practical Nurse Association of Illinois is a member of National Federation of Licensed Practical Nurses; and

WHEREAS, the Licensed Practical Nurse Association of Illinois is holding its 52nd annual convention April 28-May 3, 2001, in Peoria, Illinois, at the Brandywine Holiday Inn. This year's theme is "LPNs Moving Forward With Time";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28-May 3, 2001, as LICENSED PRACTICAL NURSE WEEK in Illinois.

Issued by the Governor February 14, 2001.

Filed by the Secretary of State February 15, 2001.

2001-83

RALPH AND EVA REEDER DAY

WHEREAS, Ralph Reeder was born August 12, 1905, and Eva Shelts was born August 6, 1910; and

WHEREAS, Ralph and Eva were married on February 22, 1930, in Rushville, Illinois, and this year marks their 71st wedding anniversary; and

WHEREAS, they have two sons, Donald Reeder of Galesburg, Illinois, and James Reeder of Sanford, North Carolina; and

WHEREAS, Ralph and Eva are the proud grandparents of five grandchildren and eight great-grandchildren; and

WHEREAS, they spent many years farming in the Rushville and Bushnell areas before retiring in Abingdon, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22, 2001, as RALPH AND EVA REEDER DAY in Illinois.

Issued by the Governor February 14, 2001.

Filed by the Secretary of State February 15, 2001.

2001-84

ST. DAVID'S DAY

WHEREAS, St. David or Dewi Sant is the patron saint of Wales; and WHEREAS, David was born circa 520 to Sanctus, a king of Ceredigion, an ancient kingdom in Western Wales, and Nonnita or Non, whose virtue was well-known in Wales, Cornwall, Devon, and Brittany. He is believed to be the grandson of Ceredig, who was the son of Cunedda Wledig. Ceredig and Cunedda were both major rulers in Celtic and Roman Britain; and

WHEREAS, both Geoffrey of Monmouth and Gerald of Wales, two famous medieval writers/historians, said St. David is also said to be the uncle of King Arthur; and

WHEREAS, David was a major figure in the Celtic Church during what is called the Age of Saints and is said to have been a devout ascetic credited with several miracles; and

WHEREAS, his heroic reputation for sanctity grew and was documented in the 9th century in Ireland and England, and continued to flourish throughout the Middle Ages; and

WHEREAS, March 1 commemorates David's death in circa 589, a date commemorated in early liturgical calendars. He was officially canonized by Rome in 1123;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2001, as ST. DAVID'S DAY in Illinois.

Issued by the Governor February 14, 2001.

Filed by the Secretary of State February 15, 2001.

2001-85

ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and

WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine and applied arts programs; and

WHEREAS, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and

WHEREAS, the 2001 Arts in Education Spring Celebration will be held April 18 through May 25, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April and May 2001 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.

Issued by the Governor February 15, 2001.

Filed by the Secretary of State February 15, 2001.

2001-86

EXCEPTIONAL CHILDREN'S WEEK

WHEREAS, children with exceptionalities may be identified as children having: superior intellectual abilities and rare creative talents; mental disabilities; hearing loss, deafness, orthopedic impairment, speech impairment, serious emotional disturbance or learning disabilities who require special education; and related services; and

WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use in coping with today's world; and

WHEREAS, the disabling tendency of an exceptionalality can be prevented by properly trained professionals in conjunction with community awareness, knowledge, interest in and understanding of exceptional individuals; and

WHEREAS, being consistent with demographic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an education; and

WHEREAS, The Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as EXCEPTIONAL CHILDREN'S WEEK in Illinois.

Issued by the Governor February 15, 2001.

Filed by the Secretary of State February 15, 2001.

2001-87

ORDER SONS OF ITALY AND ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY

WHEREAS, the Order Sons of Italy in America is the largest organization of

WHEREAS, of Italian descent; and

WHEREAS, the Order Sons of Italy promotes the image of Italian Americans through its involvement in community, charitable, educational, cultural, social, youth, and civic activities; and

WHEREAS, the National Council of the Order Sons of Italy in America in partnership with the Alzheimer's Association has adopted Alzheimer's disease as one of its primary charities; and

WHEREAS, the Order Sons of Italy in America will hold a "coin drop" campaign throughout the State and local chapters across the nation on April 28, 2001, to help 2.5 million people affected by Alzheimer's disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2001, as ORDER SONS OF ITALY AND ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY in Illinois.

Issued by the Governor February 15, 2001.

Filed by the Secretary of State February 15, 2001.

2001-88

SAVE A LIFE WEEK

WHEREAS, Save A Life Foundation's mission is to heighten public awareness and train individuals in Basic Life Saving techniques for emergency situations; and

WHEREAS, the administration of Basic Life Saving techniques, including Cardiopulmonary-Resuscitation (CPR) and Automatic External Defibrillation (AED), helps to maintain life until professionals arrive, thus significantly reducing deaths and disabling injuries; and

WHEREAS, Save A Life Foundation, in conjunction with Fire/Police/Emergency Medical Services Professionals, institutes the training of Basic Life Saving First Aid techniques to school age children and adults;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as SAVE A LIFE WEEK in Illinois.

Issued by the Governor February 15, 2001.

Filed by the Secretary of State February 15, 2001.

2001-89

TAI CHI AND QIGONG DAY

WHEREAS, the citizens of Illinois need methods to improve health, reduce stress, and prevent disease; and

WHEREAS, people have practiced Tai Chi and Qigong for centuries in other parts of the world for health, rejuvenation, and longevity; and

WHEREAS, Tai Chi and Qigong have been shown to promote health and help prevent disease; and

WHEREAS, the people of Illinois deserve to know that these techniques are available for their health and enjoyment; and

WHEREAS, United Nations World Health Day is April 7, 2001, and that same Saturday is observed as World Tai Chi and Qigong Day in every time zone across the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 7, 2001, as TAI CHI AND QIGONG DAY in Illinois.

Issued by the Governor February 15, 2001.

Filed by the Secretary of State February 15, 2001.

2001-90

DR. LYNNE M. WALDELAND DAY

WHEREAS, Dr. Lynne M. WaldeLand served the students of Northern Illinois University for 30 years; and

WHEREAS, Dr. Lynne M. WaldeLand was an outstanding campus leader, providing continuity and stability as an officer of the university during the tenure of three provosts and two university presidents; and

WHEREAS, Dr. Lynne M. WaldeLand's standards of excellence have enhanced the reputation of the university and thereby contributed to its ability to attract faculty and staff of the highest caliber; and

WHEREAS, Dr. Lynne M. WaldeLand contributed to achieving results at Northern Illinois University, and under her leadership the merger of the Division of Academic Affairs and the Division of Student Affairs has become a working reality; and

WHEREAS, Dr. Lynne M. WaldeLand has served as a role model, mentor, teacher, resource and consultant to numerous women on campus, inspiring collaboration, confidence and desire for personal growth; and

WHEREAS, it is fitting to honor the accomplishments of Dr. Lynne M. WaldeLand as she retires from her position as Interim Executive Vice President and Provost of Northern Illinois University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 26, 2001, as DR. LYNNE M. WALDELAND DAY in Illinois.

Issued by the Governor February 20, 2001.

Filed by the Secretary of State February 22, 2001.

2001-91

FFA WEEK

WHEREAS, agriculture, Illinois' largest and most productive industry, is vital to the future progress and prosperity of our State; and

WHEREAS, the FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education; and

WHEREAS, the future of agriculture is dependent upon the productive efforts of those engaged in the challenging and dynamic industry of agriculture; and

WHEREAS, the State FFA theme is "Harvesting Tomorrow's Leaders," signifying development of future leaders and the positive impact the Illinois Association has; and

WHEREAS, the future lies in the hands of a new generation of agriculturists, and nearly 16,000 FFA members are preparing for careers in agriculture; and

WHEREAS, the week of February 17-24, 2001, has been set as National FFA Week throughout the United States, Guam, Puerto Rico, and the Virgin Islands;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 17-24, 2001, as FFA WEEK in Illinois.

Issued by the Governor February 20, 2001.

Filed by the Secretary of State February 22, 2001.

2001-92

AMERICAN RED CROSS MONTH

WHEREAS, founded in 1881 by Clara Barton, the American Red Cross prevents

and relieves human suffering by providing compassionate assistance to people afflicted by personal, local, national and international disasters; and

WHEREAS, the Red Cross serves the State of Illinois, the nation and the world, and Red Cross chapters are working with other local, State and federal leaders in PROJECT IMPACT communities to prevent disasters and save more lives; and

WHEREAS, in Illinois, the Red Cross provided disaster assistance to over 2,500 families, and Illinois Red Cross volunteers and staff responded to nearly 2,000 local emergencies, providing comfort and relief to families who needed help; and

WHEREAS, last year, the Red Cross trained nearly 12 million people, including over 375,000 in Illinois, in lifesaving CPR, first aid, automated external defibrillators, HIV/AIDS education, life guarding and water safety. The Red Cross in Illinois was instrumental in passage of the Automated External Defibrillator Act and is recognized as a leader in training persons to use this equipment; and

WHEREAS, the Red Cross provides lifesaving blood and blood products to leukemia patients, cancer patients and those suffering from trauma, and through the efforts of over 4 million volunteers, the American Red Cross provides nearly half the nation's blood supply; and

WHEREAS, the American Red Cross in Illinois provides important community services such as senior transportation and meals-on-wheels programs, in communities throughout Illinois, ensuring a stronger standard of living for our elderly; and

WHEREAS, the State of Illinois is indebted to the Red Cross for the services provided in every county in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as AMERICAN RED CROSS MONTH in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-93

BILL NOLAN DAY

WHEREAS, Bill Nolan has served the Chicago Police Department for 41 years; and

WHEREAS, Bill Nolan has been a member of the Fraternal Order of Police, Chicago Lodge Number 7 since 1963, and in 1993, he was elected President and continues to hold this position today; and

WHEREAS, he served as Treasurer for 11 years, and from 1987-1995, he served as National Treasurer; and

WHEREAS, Bill Nolan has been appointed to numerous public safety organizations and committees throughout this State, including the Mayor's Committee for Safe Neighborhoods, the Illinois State Justice Commission, and the Department of Employment Security Board of Review; and

WHEREAS, he has served his community and State well throughout his life as Vice-Chairman of the Board of Directors for the Chicago Easter Seal Society, Co-Founder and Vice-President of Dreams for Kids in Illinois, and as a member of the Advisory Board of Saint Mary of Nazareth Hospital Center and Windows of Opportunity, Inc.; and

WHEREAS, Bill Nolan has received numerous awards and honors both professionally and personally, including Man of the Year by the Emerald Society

of Illinois in 1990 and Law Enforcement Officer of the Year by the Illinois State Crime Commission in 1997; and
 WHEREAS, to celebrate his career with the Chicago Police Department and wish him luck and success, Bill's family, friends, and fellow officers are throwing him a retirement party on March 2, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2, 2001, as BILL NOLAN DAY in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-94

HIGHLANDS PRESBYTERIAN CHURCH 50TH ANNIVERSARY AND ROBERT A. ROUNCE DAY

WHEREAS, since 1941, the leadership and membership of the Highlands Presbyterian Church in LaGrange, Illinois, have been serving the local community and world wide missions; and
 WHEREAS, the church's leader, Reverend Robert A. Rounce, has served the western suburban Chicago community as board member of social service organizations, civic groups, and charitable initiatives for the past 30 years with great distinction; and

WHEREAS, Reverend Rounce has long served as the main chaplain at LaGrange Community Memorial Hospital and the La Grange Highlands Fire Protection District; and

WHEREAS, Robert and Eleanor Rounce have grown by leading building renovations, youth groups, adult programs, and national Presbyterian U.S.A. camps for decades; and

WHEREAS, Reverend Rounce retires from regular ministry in March 2001 on the occasion of the church's 50th Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, March 1, 2001, as HIGHLANDS PRESBYTERIAN CHURCH 50TH ANNIVERSARY AND ROBERT A. ROUNCE DAY in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-95

MICHAEL CHRIST DAY

WHEREAS, founded in 1947, the Illinois Eye-Bank makes the gift of sight possible by providing corneal tissue from donors to the people for whom a corneal transplant is a second chance for sight; and

WHEREAS, the Illinois Eye-Bank accomplishes its mission through public and professional education, donor coordination, and distribution of eye tissue for transplantation, research, and training; and

WHEREAS, the Illinois Eye-Bank will be presenting its Gift of Sight Gala 2001 benefit on March 9, 2001, at the Ritz Carlton Hotel in Chicago; and

WHEREAS, this year, the Illinois Eye-Bank will honor Michael Christ as the "2001 Man of Vision" for his outstanding community involvement and his strong civic leadership in the City of Chicago; and

WHEREAS, Michael Christ is group Vice-President for the Central Region, Southwest Region, Northwest Region, and Pacific Region for Tiffany & Co.; and

WHEREAS, Michael Christ is a past President of the Greater North Michigan

Avenue Association, past Chairman of the Auxiliary Board of the School of the Art Institute, and Vice-President of the Chicago Committee for UNICEF; and
 WHEREAS, he has chaired or been a committee member for many Chicago civic and charitable events, including those for Urban Gateways, the Joffrey Ballet, and Chicago House;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9, 2001, as MICHAEL CHRIST DAY in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-96

PEACE CORPS DAY

WHEREAS, the Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grass roots level in the developing world; and
 WHEREAS, more than 162,000 Americans have served as Peace Corps volunteers in 134 countries since 1961; and

WHEREAS, over the past 40 years, 6,500 men and women from the State of Illinois have responded to our nation's call to serve by joining the Peace Corps; and
 WHEREAS, Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business, education, health, and the environment, and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and
 WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

WHEREAS, it is fitting to recognize the achievements of the Peace Corps and honor its volunteers, past and present, and reaffirm our country's commitment to helping people help themselves throughout the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2001, as PEACE CORPS DAY in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-97

JEA JEANNETTE BAKERS DAY

WHEREAS, Jeannette Bakers went to work at the Illinois Department of Public Aid, Division of Policy on November 1, 1973; and

WHEREAS, for the past 27 years, Jeannette has been very involved in all the policies and programs handled by the Division of Policy, including Aid to Families with Dependent Children Program (AFDC), Temporary Assistance to Needy Families (TANF), Assistance to the Aged, Blind, and Disabled (ABDD), Medical Assistance, Food Stamp Program, Child Support Enforcement Program, and General Assistance; and

WHEREAS, she has also worked with the Low Income Home Energy Assistance

Program, the Illinois Link Card, Quality Control, Administrative Hearings, Inquiries, and Staff Development; and

WHEREAS, Jeannette was specifically responsible for maintaining, amending, and submitting State plans for the APCD program, Medicaid program, and Child Support Program to the U.S. Department of Health and Human Services; and

WHEREAS, she coordinated and obtained necessary sign-offs and approvals on behalf of the agency directors for all official material being printed and distributed to agency staff and to the clients receiving benefits and services from the Agency; and

WHEREAS, her vast experience has made her a reliable and knowledgeable person throughout the Agency and she is recognized as a professional and dedicated State employee; and

WHEREAS, Jeannette's last day at the Department of Human Service is February 28, 2001, and her friends and co-workers want to wish her much continued success and the best of luck in her future endeavors;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 28, 2001, as RHEA JEANNETTE RAKERS DAY in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-98

SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

WHEREAS, school social workers help parents and school personnel bridge the gap between home and school coordinating community; and

WHEREAS, school social workers work closely with school administrators, teachers and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4-10, 2001, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-99

YOUTH ODYSSEY LEADERSHIP CONFERENCE DAYS

WHEREAS, the young adult division of the Chicago Area Council of the Boy Scouts of America will host the 2001 Youth Odyssey Leadership Conference on March 2-4, 2001; and

WHEREAS, the conference will provide Midwest Explorers, Venturers and their

leaders with the opportunity for a weekend of training, education, recognition, fun, and fellowship highlighted with seminars and programs on teen issues, careers, hobbies, and leadership skills; and

WHEREAS, the mission of the Exploring and Venturing programs is to build confidence in young men and women and help them make important decisions about their future; and

WHEREAS, the Exploring and Venturing programs expose young adults to a wide variety of fields, including law enforcement, banking, healthcare, medical, law, and high adventure opportunities; and

WHEREAS, developed by the Boy Scouts of America, Exploring and Venturing assists young adults with education and career choices, increase their civic awareness, and discourage drug abuse and gang affiliations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2-4, 2001, as YOUTH ODYSSEY LEADERSHIP CONFERENCE DAYS in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-100

ABSOLUTELY INCREDIBLE KID DAY

WHEREAS, the Metropolitan Chicago Council of Camp Fire, founded in 1912, and the Illinois Prairie Council of Camp Fire, founded in 1917, teaches boys and girls to become caring, confident youths and future leaders; and

WHEREAS, Camp Fire Boys and Girls is commended for the valuable programs offered to young people in the State of Illinois and throughout the nation, and for the many services these young people perform for their communities through Camp Fire; and

WHEREAS, through contemporary programs and by speaking out on issues affecting youth and their families, Camp Fire Boys and Girls helps youths cope with their changing world; and

WHEREAS, in Camp Fire, the choices and opportunities are inclusive to boys and girls; and

WHEREAS, Camp Fire Boys and Girls, the national organization, will sponsor Absolutely Incredible Kid Day on March 15, 2001; and

WHEREAS, Camp Fire Boys and Girls has issued a call to action, asking every adult in America to write a letter to a child or children on March 15, 2001; and

WHEREAS, Camp Fire Boys and Girls has established the goal that every child receive a letter on March 15, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15, 2001, as ABSOLUTELY INCREDIBLE KID DAY in Illinois.

Issued by the Governor February 22, 2001.

Filed by the Secretary of State February 22, 2001.

2001-101

ARTS EDUCATION WEEK

WHEREAS, the Illinois Alliance for Arts Education and the Illinois State Board of Education, in cooperation with the Illinois Arts Council, are sponsoring the 19th annual Arts Education Week, March 12-18, 2001; and

WHEREAS, Arts Education Week is dedicated to the celebration and importance of dance, drama/theater, literary, media, music, and visual arts in the total

education of all students; and

WHEREAS, the purpose of this celebration is to promote awareness of arts in education, encourage cooperative efforts among all arts organizations and schools, provide students with opportunities to highlight their accomplishments in a variety of arts experiences, and provide a forum to demonstrate support of arts education;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12-18, 2001, as ARTS EDUCATION WEEK in Illinois.

Issued by the Governor February 22, 2001.

Filed by the Secretary of State February 22, 2001.

2001-102

BEST BUDDIES INTERNATIONAL DAY

WHEREAS, people with disabilities are our nation's largest minority. Nineteen percent of all Americans have disabilities, and over two million people with disabilities live in Illinois; and

WHEREAS, in the United States, 7.5 million individuals have mental retardation, and over 360,000 people with mental retardation reside in Illinois; and

WHEREAS, friends and family are the foundation upon which persons become productive, contributing members of society; and

WHEREAS, Best Buddies is a non-profit organization whose mission is to enhance the lives of people with mental retardation by providing the opportunity for one-to-one friendships and integrated employment; and

WHEREAS, through one-to-one, mutually enriching friendships and group activities, Best Buddies enhances the social, recreational, and occupational lives of everyone involved in the program; and

WHEREAS, since its inception, Best Buddies has grown from one chapter on one college campus to a vibrant, international organization of more than 500 high school and college chapters throughout the United States, Canada, Greece, and Egypt; and

WHEREAS, Best Buddies has touched the lives of over 125,000 people with disabilities, their families, students, and community volunteers since 1987;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 27, 2001, as BEST BUDDIES INTERNATIONAL DAY in Illinois.

Issued by the Governor February 22, 2001.

Filed by the Secretary of State February 22, 2001.

2001-103

THE CHARTER FOR ILLINOIS CHILDREN DAY

WHEREAS, families and communities have come together to discuss children's issues and have created a comprehensive assessment of our shared vision and responsibilities for the children of Illinois; and

WHEREAS, the Charter for Illinois Children examines the needs, talents, and expectations of children in the fundamental areas of health, education, safety, families, economic security, arts, recreation, and culture; and

WHEREAS, hundreds of endorser have joined a growing grassroots movement in support of the Charter for Illinois Children; and

WHEREAS, the Charter for Illinois Children unites hundreds of individuals and communities under one common banner and inspires us to work together to

make the vision and goals of the Charter a reality;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 16, 2001, as THE CHARTER FOR ILLINOIS CHILDREN DAY in Illinois.

Issued by the Governor February 22, 2001.

Filed by the Secretary of State February 22, 2001.

2001-104

EAST CENTRAL COMMUNITY ACTION AGENCY DAY

WHEREAS, the East Central Illinois Community Action Agency was originally incorporated by a charter group of concerned citizens in 1966 in response to the Economic Opportunity Act of 1964; and

WHEREAS, the mission of the East Central Illinois Community Action Agency is to bridge the gap between economic, social, cultural, or economic dependency and self-sufficiency by providing information, training, education, and other services that provide support to the disadvantaged; and

WHEREAS, since its original incorporation in 1966, the agency has expanded its services to include the residents of Ford and Iroquois Counties, in addition to Vermillion County; and

WHEREAS, tens of thousands of area families have received meaningful services from the agency since its inception to help them improve their lives; and

WHEREAS, the agency is a model organization in forming public and private partnerships in innovative ways to accomplish community improvement projects; and

WHEREAS, the East Central Illinois Community Action Agency continues to build upon its legacy by providing services to help families help themselves;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9, 2001, as EAST CENTRAL COMMUNITY ACTION AGENCY DAY in Illinois.

Issued by the Governor February 22, 2001.

Filed by the Secretary of State February 22, 2001.

2001-98 (REVISED)

SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

WHEREAS, school social workers help parents and school personnel bridge the gap between home and school coordinating community; and

WHEREAS, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18-24, 2001, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

2001-105

NORTHWESTERN UNIVERSITY DANCE MARATHON DAYS

WHEREAS, Northwestern University is hosting Dance Marathon 2001 to benefit the Elizabeth Glaser Pediatric AIDS Foundation; and

WHEREAS, this 27-year school tradition is the largest student-run philanthropy in the nation, raising more than \$2 million in the past five years alone; and

WHEREAS, student volunteers spend the year raising money for charity, and their efforts culminate in one spectacular weekend where 500 students will dance for 30 straight hours, cheered on by 1,000 student volunteers and 15,000 visitors; and

WHEREAS, Dance Marathon's primary beneficiary is the Elizabeth Glaser Pediatric AIDS Foundation, the leading worldwide nonprofit organization dedicated to funding pediatric AIDS research, and subsequent money is donated to the Evanston Community Foundation, an umbrella organization that distributes grants to community service groups in Evanston; and

WHEREAS, the Elizabeth Glaser Pediatric AIDS Foundation was created in 1988 by Elizabeth Glaser, who was infected with HIV through a blood transfusion and unknowingly transmitted the virus to her two children; and

WHEREAS, the Foundation continues the effort to eliminate mother to child HIV transmission, to accelerate the discovery of new treatments and to ensure that children are at the forefront of every scientific breakthrough; and

WHEREAS, the Evanston Community Foundation was founded in 1986 and has awarded 100 grants, totaling \$606,980 to numerous non-profit community groups;

and

WHEREAS, Dance Marathon takes place at Norris University Center March 2-4, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2-4, 2001, as NORTHWESTERN UNIVERSITY DANCE MARATHON DAYS in Illinois.

Issued by the Governor February 26, 2001.

Filed by the Secretary of State March 1, 2001.

2001-106

AMUSEMENT RIDER SAFETY AWARENESS MONTH

WHEREAS, the State of Illinois is committed to the safety of all its citizens and visitors; and

WHEREAS, this commitment encompasses the amusement riding public; and

WHEREAS, the Illinois Department of Labor is responsible for the safety of over 26 million patrons on the over 1,800 amusement rides in Illinois each year; and

WHEREAS, the State of Illinois is one of the founding members of both the National Association of Amusement Ride Safety Officials and the Council for Amusement and Recreational Equipment Safety; and

WHEREAS, this commitment to safety benefits the amusement riding public, including the citizens, communities, and visitors of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as AMUSEMENT RIDER SAFETY AWARENESS MONTH in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-107

CERTIFIED ATHLETIC TRAINERS WEEK

WHEREAS, the State of Illinois recognizes the importance of certified athletic trainers as health care practitioners who provide quality care and promote injury prevention for the physically active; and

WHEREAS, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, recognition, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, the certified athletic trainer has become a vitally important part of health care in this country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12-18, 2001, as CERTIFIED ATHLETIC TRAINERS WEEK in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-108

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, Jews were the primary victims - six million were murdered, while many others were also targeted for destruction or decimation for racial, ethnic or national reasons; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, we the people of the State of Illinois should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to remember the victims of the Holocaust, as well as to reflect on the need for respect of all peoples; and

WHEREAS, April 20, 2001, has been designated, pursuant to an Act of Congress, as a Day of Remembrance of Victims of the Holocaust, known internationally as Yom Hashoah;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 15-22, 2001, as DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-109

DOROTHY M. GUNN DAY

WHEREAS, Dorothy Gunn has given 33 years of service to the State of Illinois, including 26 years with the Illinois Pollution Control Board; and
 WHEREAS, she began State service in 1968 at the Youth Opportunity Center, and in 1970 she joined the Bureau of Employment Security, Department of Labor; and

WHEREAS, Dorothy Gunn joined the Board on April 28, 1975, as a staff secretary and later served as private secretary to deceased Board Member Irvin G. Goodman and as a staff accounting assistant; and

WHEREAS, she has served the Board admirably as Clerk of the Board since 1984, acting as the official custodian of the Board's records, including agendas and minutes, and preparing and certifying records for appeal; and

WHEREAS, Dorothy Gunn is an active member of the Centennial Missionary Baptist Church in Chicago, Illinois, serving as President and choir member and also acting as an orientation leader to new church members; and

WHEREAS, Dorothy Gunn is a devoted wife, mother, grandmother, and great-grandmother; and

WHEREAS, Dorothy's 26 continual years of dedication to the Illinois Pollution Control Board, staff, and its constituency have endeared her to all those who have had contact with her;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2001, as DOROTHY M. GUNN DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-110

FEDERAL EMPLOYEE OF THE YEAR AWARDS DAY

WHEREAS, the United States General Services Administration is hosting the 44th Annual Federal Employee of the Year Awards Ceremony on May 10, 2001; and

WHEREAS, this prestigious ceremony recognizes the continuous efforts and impact of all federal government employees in the Chicago land area; and

WHEREAS, federal employees who have dedicated themselves to giving superior service to the American public will be honored and awarded; and

WHEREAS, over 1,200 guests are expected to attend the celebration held at Navy Pier in Chicago; and

WHEREAS, this year's program theme is "Honored to Serve Serving with Honor"; and

WHEREAS, in conjunction with the ceremony, two college scholarships totaling \$4,000 will be awarded to students attending the University of Illinois, Chicago campus;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2001, as FEDERAL EMPLOYEE OF THE YEAR AWARDS DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-111

MUSIC EDUCATION DAY

WHEREAS, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the educational process; and
 WHEREAS, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging

intellect and emotion in the search for a human way of life; and
 WHEREAS, music is a basic influence in the lives of millions of people who participate in performing, listening, and observing experiences developed through music in the schools; and

WHEREAS, Music Education Day at the Capitol is a special opportunity for citizens to understand and support the ongoing process of music education; and
 WHEREAS, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in the curriculums of the schools in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 8, 2001, as MUSIC EDUCATION DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-112

NED GRABOVY DAY

WHEREAS, Ned Grabovoy of Lincoln-Way High School in New Lenox, Illinois, has been named the 2000 Gatorade National High School Boys Soccer Player of the Year; and

WHEREAS, for the past 16 years, the Gatorade program has honored student-athletes in 10 sports for their academic success and high character, in addition to their outstanding athletic ability; and

WHEREAS, Ned Grabovoy has been chosen out of more than 320,000 high school soccer players nationwide; and

WHEREAS, Ned has won many awards this year, including being selected as a NSCAA/adidas State Player of the Year, a NSCAA/adidas All-American, and Parade Magazine All-American; and

WHEREAS, Ned has had a very impressive soccer career, which includes 103 goals, and 47 assists during his four-year career at Lincoln-Way High School, and his dominance on the soccer field has led his team to consecutive State Championship games; and

WHEREAS, to honor Ned for all his hard work and success, he will be presented the most famous national award for high school student-athletes on March 8, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 8, 2001, as NED GRABOVY DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-113

PUBLIC HEALTH WEEK

WHEREAS, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability, and dependence; and

WHEREAS, April 2-8, 2001, has been designated as National Public Health Week by the American Public Health Association and other distinguished State and national organizations; and

WHEREAS, the Illinois Public Health Association, together with many other State organizations, has dedicated the first full week of April to showcase public health accomplishments and to hold special events; and

WHEREAS, all observances during the first full week of April will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and

WHEREAS, the observance is a cooperative effort of the State and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized activities in the areas of education, research, and health policy development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-8, 2001, as PUBLIC HEALTH WEEK in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-114

PURCHASING MONTH

WHEREAS, the National Association of Purchasing Management (NAPM) strives to improve their standards and performance of purchasing professionals; and

WHEREAS, the Purchasing Management Association of Chicago (PMAC) is a non-for-profit organization, founded in 1913, that stresses to teaching professionals how to increase their organization's bottom line; and

WHEREAS, PMAC is dedicated to helping purchasing professionals improve their job performance and advancement opportunities through educational programs and interaction with one another; and

WHEREAS, NAPM produces the National Report on Business, and PMAC produces the Chicago Report, monthly economic reports, which have earned national and international recognition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as PURCHASING MONTH in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-115

SPORTSMANSHIP DAY

WHEREAS, National Sportsmanship Day is a unique program that promotes sportsmanship and enhances a student's leadership and academic skills; and

WHEREAS, the objective of the 2001 National Sportsmanship Day is to promote appreciation for the critical role of ethics, honesty, and fair play in athletics and society in general, through student-athlete outreach programs, "The No Swear Zone" writing and art contests, coaches' forums, and other activities aimed at furthering the principles of sportsmanship and ethics; and

WHEREAS, more than 12,000 elementary, middle and high schools, as well as colleges and universities in all 50 states and more than 101 countries will participate in the 11th annual National Sportsmanship Day on Tuesday, March 6, 2001; and

WHEREAS, as part of National Sportsmanship Day, a diverse group of

individuals, representing various academic and athletic fields are selected to serve as Sports Ethics Fellows; and

WHEREAS, the State of Illinois would like to encourage its young citizens to take advantage of this valuable program and set positive examples for future generations of sports fans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 6, 2001, as SPORTSMANSHIP DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-116

STEVE ALSBERG DAY

WHEREAS, Steve Alsberg is dedicated to the arts and to education, helping students, teachers, and administrators understand the power and potential of television and other media; and

WHEREAS, Steve helped bring communication technology into the school and has taught his students to use this technology creatively and responsibly; and

WHEREAS, he co-founded the TV Communications course at Highland Park High School and helped fashion the agreement between the City of Highland Park and the local cable TV company; and

WHEREAS, Steve has produced many quality videos for use in the school and the community, as well as coordinate the live broadcasts of "Art Night" during the high school's Focus On The Arts; and

WHEREAS, he has inspired many students to pursue careers in television, film, radio, and advertising; and

WHEREAS, Steve's dedication, insight, and sense of humor have made him a valuable member of the Highland Park High School and the Highland Park Community; and

WHEREAS, Focus On The Arts is honoring Steve Alsberg on April 24, 2001, for his support of the arts and education, as well as his dedication and involvement with Focus On The Arts;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2001, as STEVE ALSBERG DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

